

Submission 157 (Lori Flanagan, Alview Dairyland School District, August 18, 2011)

ALVIEW-DAIRYLAND UNION SCHOOL DISTRICT
Chowchilla, California 93610

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August 16, 2011

Mr. Roelof van Ark, CEO
California High Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Dear Mr. van Ark:

The planning by the High Speed Rail Authority to construct new high speed rail corridors through the jurisdiction of the Alview-Dairyland Union School District has caused our Board of Trustees (Trustees) to become vitally concerned.

As described best by your authority, the proposed high speed rail system through California is "the largest public infrastructure project in the nation." While we have great respect for the magnitude of the project you are charged with carrying out, we must insist that you do so while taking into account the very real local impacts that will occur to our vital public education system if you proceed with the route alternatives now being advanced.

Because of this, we request a meeting directly with you as soon as possible. As a starting point, we have August 24, 2011 and September 1, 2011 available to meet with you. It is critical that you be apprised of the impact our district will face as a result of the proposed alternatives you are advancing so that you have the opportunity to study ways to resolve these conflicts prior to the release of the final Environmental Impact Report (EIR)/Environmental Statement (EIS).

We are well aware of your refusal to coordinate the project as required under the National Environmental Policy Act with Kings County. We are also aware that your representative was instructed to refuse to answer the Supervisor's questions at the last meeting requested by them. This is why we request a meeting directly with you to learn firsthand whether or not you will direct the authority's staff to consider the very real impacts the Alview-Dairyland Union School District will face, especially now that you've released your Draft Environmental Impact Study (DEIS).

On July 15, 2011, the Trustees adopted the attached resolution to make clear the board is prepared to insist this project be coordinated with our district to the maximum extent allowed by law. It is the responsibility of the Trustees to ensure the policies and plans implemented by the High Speed Rail Authority (HSRA) do not detrimentally affect our ability to provide an excellent educational system for our students and our community as a whole.

While it is well past the time to begin the process of coordinating your federal study with our District, we welcome the opportunity to begin this process today. It is critical that your agency

LORI FLANAGAN
Superintendent

EQUAL OPPORTUNITY EMPLOYER

SHEILA PERRY
Vice Principal/Curriculum Director

AUG 18 2011
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become aware of how your plans as proposed will not only disrupt our ability to perform our duties as Trustees, but disrupt our school bus routes, divide our district, impact the safety of our students, and create impaired property values directly affecting our ability to budget and fund, plan, and operate our District.

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The District's jurisdiction includes mainly agricultural lands. The proposed routes now being considered by the HSRA will destroy existing agricultural enterprises affecting the citizens of our community, the tax base of our county and District and, hence, the annual budget of our District. This will place our District at a severe disadvantage to properly carry out our charge.

All of these issues must be analyzed in the draft EIS so that the public and decision makers have the opportunity to weigh the detrimental impacts to the Alview-Dairyland Union School District, as well as, the environmental impacts. However, none of our concerns have been taken into account in the DEIS.

Administrative agencies, such as the HSRA, are required by both State and Federal statutes and regulations to coordinate with local governments in developing and implementing plans, policies, and management actions. This is for the very purpose of insuring that when you pursue a project as large as the HSR, you do so without overlooking the critical impacts to vital public services entities such as our District. You cannot possibly know what these impacts will be to the Alview-Dairyland Union School District without discussing the project directly with our Board of Trustees.

It is our desire to work with the HSRA in a unified and productive manner through the EIS process to resolve the conflicts your agency is required by law to consider. This type of discussion can only come with formal government-to-government meetings through the coordination process as required by the National Environmental Policy Act, to which your agency is obligated to follow.

Congress recognized the essential contribution of local governments to the NEPA process at 42 USC 4331(a):

"...it is the continuing policy of the Federal Government, in cooperation with State and Local governments, ...to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generation of Americans."

Section(b) of this mandate further requires that the government do this "to improve and coordinate federal plans, functions, programs, and resources..." Coordination must be conducted with local government in order for the Congressional mandate to be properly implemented.

The State of California understands the coordination duty of agencies implementing the federal law of NEPA, as it has enforced this duty in the United States District Court for the Northern District of California. *In California Resources Agency v. US Department of Agriculture* (No. C 08-3884 MHP), the State successfully challenged the U.S. Forest Service's refusal to coordinate four federal forest management plan revisions with the State. The Federal Court ruled in the state's favor and required the Federal Agency to begin the NEPA process over, this time in coordination with the State.

Submission 157 (Lori Flanagan, Alview Dairyland School District, August 18, 2011) - Continued

It is our hope that the HSRA can avoid this mistake and will instead work with our District to resolve the conflicts with the project and our plans and policies prior to the draft EIS's official public release. To date, the HSRA has not engaged the District on a level or in a manner that would address any of the concerns, conflicts, economic or technical analyses, or any appropriate alternatives as required under NEPA and its regulations.

As former Administrator Jennifer L. Dorn, during a 2004 Budget Hearing for the Federal Transit Administration summarized the need to coordinate like this: "There is nothing more important to good transit investments than to have a good plan, to have that *coordinated at the local level*, and to be able to provide transportation for the services and more riders."

The District welcomes a meeting with you to begin this deliberative process and apprise you of the conflicts that must be taken into account by your agency. Please let us know which of the meeting dates suggested earlier in this letter will work best for you by August 29, 2011. If those dates are not convenient for you and your staff, please call me at 559-665-2394 to arrange a convenient meeting date. We will make the District Board chambers located at 12861 Avenue 18 1/2, Chowchilla, CA, 93610, available for these meetings.

I can also be reached in the following manner:

Email: lflanagan@adusd.k12.ca.us
FAX: 559-665-7347
Address: 12861 Avenue 18 1/2, Chowchilla, California 93610

We look forward to meeting you and your staff to begin coordinating this project.

Sincerely,



Lori Flanagan
Superintendent/Principal

cc Federal Railroad Administration
Department of Transportation, Secretary
U.S. Congressman Jeff Donham, District 19
Assembly Member Kristin Olsen, District 25
Senator Tom Berryhill, District 14
Kings County Commissioners Court

ALVIEW-DAIRYLAND UNION SCHOOL DISTRICT
RESOLUTION NO. 11-12-01

RESOLUTION FOR COORDINATION WITH THE CALIFORNIA HIGH SPEED RAIL

WHEREAS, the Board of Trustees for the Alview-Dairyland Union School District is a unit of local government under the Constitution and laws of the state of California, and

WHEREAS, the Board of Trustees of the Alview-Dairyland Union School District are charged with administering, funding, and protecting the economic stability of the school district, and is further concerned with the detrimental effects of proposed High Speed Rail through our school district that will affect the public health, safety, and welfare of our community, and

WHEREAS, the Board of Trustees find that it is the best interests of the District to perform duties by asserting coordination with federal and state agencies mandated by federal and California law, and

WHEREAS, federal agencies are mandated to coordinate planning and management actions with local government by statutes including the Federal Lands Management and Policy Act, the Forest Management Act, the National Environmental Policy Act, the Clean Water Act, the Clean Air Act, the Endangered Species Act, the Homeland Security Act, and by regulations and rules implementing those statutes, and by Executive Orders of our President directing intergovernmental cooperation and coordination,

NOW, THEREFORE BE IT RESOLVED

the Alview-Dairyland Union School District hereby affirms our legal standing as a unit of local government of California to formally assert its coordination authority with all federal and state agencies implementing policies and plans that affect and impact the residents, students, teachers, businesses, and industry within our jurisdiction, including the Federal Railroad Administration and the High Speed Rail Authority as their agent,

BE IT FURTHER RESOLVED

the Alview-Dairyland Union School District hereby agrees to work together with the Chowchilla Union High School District along with other agencies in a unified manner to protect our interest, students, and community from policies and plans being implemented by the High Speed Rail Authority,

Submission 157 (Lori Flanagan, Alview Dairyland School District, August 18, 2011) - Continued

BE IT FURTHER RESOLVED

that the Secretary of the District shall cause a copy of this Resolution to be transmitted to the proper federal and state agencies and to all federal and state elected officials representing the residents and governments of Madera County,

ADOPTED BY THE BOARD OF TRUSTEES OF THE ALVIEW-DAIRYLAND UNION SCHOOL DISTRICT ON THIS 15th DAY OF JULY, 2011.

Ayes 5

Noes 0

Abstain 0

Absent 0


Clayton Haynes
President, Board of Trustees
Alview-Dairyland Union School District

I, Lori Flanagan, the Superintendent and Secretary to the Board of Trustees of the Alview-Dairyland Union School District, do hereby certify that the foregoing Resolution was regularly introduced, passed, and adopted by the Board of Trustees at its meeting on July 15, 2011.


Lori Flanagan, Superintendent and
Secretary of the Board of Trustees
Alview-Dairyland Union School District

Response to Submission 157 (Lori Flanagan, Alview Dairyland School District, August 18, 2011)

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CHSRA met with Alview-Dairyland School District on November 29, 2011.

The Authority has taken the issues raised by the District into consideration in its continued refinement of the project design. However, the Authority and FRA are responsible for weighing these considerations in the context of both the project purpose and need and project environmental impacts when making its decision on the project. That decision may or may not resolve all of the issues raised by the District in the manner in which the District would prefer. To the extent that it does not, it does not indicate that the Authority and FRA did not coordinate with the District, but rather that they were unable to resolve the issues while balancing other project concerns.

A summary of concerns raised by school districts and information from the Final EIR/EIS chapters, technical reports, and other supplemental information that address the above issues and concerns is included in Appendix 3.12-D, Summary of Issues/Concerns Affecting Schools. Also see MF-Response-SOCIAL-5.

157-2

See MF-Response-SOCIAL-5.

Submission 670 (Lori Flanagan, Alview-Dairyland School District, October 13, 2011)

Merced - Fresno - RECORD #670 DETAIL

Status : Action Pending
Record Date : 10/13/2011
Response Requested :
Stakeholder Type : Government
Submission Date : 10/13/2011
Submission Method : Project Email
First Name : Lori
Last Name : Flanagan
Professional Title :
Business/Organization : Alview-Dairyland School District
Address : 12861 Avenue 18 1/2
Apt./Suite No. :
City : Chowchilla
State : CA
Zip Code : 93610
Telephone :
Email : LFlanagan@adusd.k12.ca.us
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List :
Stakeholder Comments/Issues :
From: Lori Flanagan [mailto:LFlanagan@adusd.k12.ca.us]
Sent: Wednesday, October 12, 2011 5:34 PM
To: HSR Info
Subject: Merced to Fresno Draft EIR/EIS Submittal
Please find attached comments to the Merced to Fresno Draft EIR/EIS from the Alview-Dairyland School District.
EIR/EIS Comment : Yes
Attachments : October 11- HSR comments.pdf (17 kb)

October 11, 2011

Roelof van Ark, Chief Executive Officer
High Speed Rail Authority
Merced to Fresno High Speed Train EIR/EIS Comment
2020 L Street, Suite 300
Sacramento, CA 95814

Subject: Comments on the Merced to Fresno HST Draft EIR/EIS

Dear Mr. van Ark:

Alview-Dairyland Union School district takes this opportunity to comment on the Merced to Fresno High Speed Train EIR/EIS. Our district has tremendous concerns regarding the Avenue 21 route. The possible impacts to our district could be massive and devastating to an already financially weakened California public school district. We will be addressing four areas of concern: Safety, environmental, economic, and legal.

Safety

The Avenue 21 route would bisect our school district along the only through road that spans the fifteen mile width of our district. (Madera County Roads 1 to 16.) Avenue 21 is a key road for bus transportation. In fact, all bus drivers utilize this road during their morning and afternoon routes. EIR 3.2-3 indicates that LOS (level of service) is the primary unit of measure in determining traffic volume for designated roadways. The report does not take into consideration that approximately 200 students are transported twice daily on Avenue 21 by our district alone. Chowchilla Union High School also uses this road to transport students to and from school. Road closures would place these students in danger with drivers needing to add additional turn-a-rounds. In the 3.2 Transportation section, there is no reference to the width or arch of overpasses. This area is prime farmland with farmers regularly moving equipment. Our students will be placed in danger when busses must cross the rail by means of an overpass with a the potential of a farmer with wide equipment crossing on the overpass in the opposite direction. Consider adding Madera County dense fog to the situation. In the 2010-11 school year, there were five one hour bus delays, five two hour bus delays, and one day

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Submission 670 (Lori Flanagan, Alview-Dairyland School District, October 13, 2011) - Continued

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busses were cancelled for morning routes due to fog. Delays and cancellations would increase due to roads being blocked by HSR tracks.

Due to an increase in time on the roads, our district must hire an additional driver to transport students in a timely manner at an estimated cost of \$25,000.00.

Avenue 21 is a road used regularly by emergency responders. With the rail impacting this road in our district, there is potential delayed emergency response to our primary school located on Avenue 21 and Road 4.

670-2

Economic

Economically, the displacement of prime farmland will lead to the loss of agricultural jobs which will lead to the loss of students attending our schools. Farmers, laborers, and employees of agriculture related jobs may relocate. In EIR 3.2-47, the displacement of residential properties is anticipated to negatively affect the Alview-Dairyland Union School District due to a decrease in school district attendance. Fifty-three students reside on or within one-half mile of the Avenue 21 route. Revenue Limit and Categorical Funding equal \$7,873.28 per student multiplied by 53 affected students would indicate a loss of revenue of \$417,283.84 per year due to relocation of students. There are few suitable residential properties in the school attendance area for relocation.

Currently, ADUSD enrolls 30 migrant students. A loss of attendance would generate a \$248,198.00 financial loss to the district.

A concern to the district is the loss of land value along the train's path. Potential buyers will not be interested in purchasing land near path of train. Less farm ground in production equals less property tax. Less income tax due to less acreage in production trickles down to districts.

In 2011-12, ADUSD busses traveled 71,000 miles on home to school routes. An estimated 25,000 additional miles may be added due to road closures and turn-arounds. Current transportation costs are \$4.30 per mile. An additional 25,000 miles would add a cost of \$107,500 to our already reduced home to school transportation budget.

Due to excellent education benefits, small school environment, and dedicated community, 100 inter-district transfer students choose to attend our schools. A loss of 100 students due to road blockages, etc, could create a \$797,328.00 loss to the district.

Environmental

670-3

Environmental impacts are many to this school district.
Noise- In EIR Section 3.4-Noise and Vibration, there is not adequate information regarding the degree of noise impacting the Alview Elementary School. (This location

670-3

may be addressed in a future EIR working with the East-West routes through the valley.) The map on page 3.4-19 indicates the greatest decibel level due to high speeds. With high speed trains roaring along the tracks at regular intervals one quarter mile from the Alview School site, students may find a change in outdoor school events like annual track and field days, award assemblies, jog-a-thons, and recesses. An autistic child that can't adjust to noise may need to be moved to a new school at district's expense. There are no additional grade levels in this district so student's closest school to attend would be at a minimum of ten miles away. Costs to the district could be as low as 40 miles round trip @ \$.555 per mile = \$22.20/day or \$3,996.00 per year if transported by the parent or much higher if district must use a school bus and driver to transport student.

Vibration- Alview School classrooms may find disruption each time a train passes and potential damage to buildings and wells.

670-4

Dust/Air Quality- Dust causes illnesses such as Asthma and Valley Fever. We currently have 20 students identified with asthma. The table in EIR 3.12-57 fails to fully acknowledge the significance of air quality and impacts of dust emissions as a train travels at high speeds along the corridor.

670-5

Loss of historical way of life- This school district was established in 1915 and school began in a house until a bond passed for a two room school to be built. This district has tremendous community pride with parents moving into the district to educate their children at the school where they were educated.

Division of community- The HSR Avenue 21 route would bisect district. If ADUSD were to disband due to HSR, there is no surrounding district nearby to absorb students.

Legal-

670-6

Inadequate comment period- ADUSD is concerned about the inadequate comment period compared to the size of the project. Plans to proceed with this project are moving too fast. Public comment, explicit details, and unknown variables aren't being addressed in a satisfactory manner.

Refusal to coordinate- ADUSD welcomed the coordination process with High Speed Rail in a letter addressed to the Authority, on August 16, 2011. An offer by Jeff Abercrombie to meet with Superintendent Lori Flanagan and a board member was communicated by phone and email on September 2, 2011. When ADUSD communicated that our district would like to meet through a public meeting that is properly noticed according to state law, there were no additional attempts by HSR to coordinate.

670-7

Lack of funding to complete project- Costs to complete this project increase by the day. Due to California having a weak economy and a rail with no private funds, this project needs to be delayed or discontinued until all negative aspects are addressed.

Response to Submission 670 (Lori Flanagan, Alview-Dairyland School District, October 13, 2011)

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See MF-Response-S&S-1 and MF-Response-S&S-3.

670-2

See MF-Response-SOCIAL-5 and MF-Response-S&S-1. The text in Section 3.12.5 of the Final EIR/EIS has been updated to include additional discussion of impacts to school districts, and a memo providing additional information on this issue is provided as Appendix 3.12-B, Effects on School District Funding.

670-3

See MF-Response-NOISE-2 and MF-Response-NOISE-5.

670-4

See MF-Response-AQ-1.

670-5

See MF-Response-SOCIAL-5 and MF-Response-GENERAL-5.

670-6

See MF-Response-GENERAL-7.

670-7

See MF-Response-GENERAL-18.

Submission 841 (Jean Roggenkamp, Bay Area Air Quality Management District, October 13, 2011)



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT
SINCE 1955

ALAMEDA COUNTY
Tom Bates
(Chairperson)
Scott Haggerty
Jennifer Hosterman
Nate Miley

CONTRA COSTA COUNTY
John Gioia
(Vice-Chair)
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Gayle B. Ullikema

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NAVAJO COUNTY
Brad Wagenknecht

SAN FRANCISCO COUNTY
John Avalos
Eric Mar
Edwin M. Lee

SAN MATEO COUNTY
Carol Klatt
Carole Groom

841-1 SANTA CLARA COUNTY
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Ash Kalra
(Secretary)
Liz Kniss
Ken Yeager

SOLANO COUNTY
James Sperring

SONOMA COUNTY
Susan Gorin
Shirlee Zane

Jack P. Broadbent
EXECUTIVE OFFICER/APCO



October 13, 2011

Thomas J. Umberg
Chairman of the Board of Directors
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Subject: California High-Speed Train Project Draft EIR/EIS: (1) Merced to Fresno Section and (2) Fresno to Bakersfield Section

Dear Mr. Umberg:

Bay Area Air Quality Management District (District) staff reviewed your agency's Draft Environmental Impact Reports/Statements (DEIRs) for the California High-Speed Train Project (1) Merced to Fresno Section and (2) Fresno to Bakersfield Section (Project). The California High-Speed Train (HST) system will provide intercity, high-speed service on more than 800 miles of tracks throughout California, connecting the major population centers of Sacramento, the San Francisco Bay Area, the Central Valley, Los Angeles, the Inland Empire, Orange County and San Diego. The HST system will be an electrically powered system with trains capable of operating up to 220 miles per hours.

District staff has the following comments on the adequacy of the air quality analysis in the DEIRs.

NOx Emissions in the Bay Area from Material Hauling

According to both DEIRs, material hauling during the construction phase would result in oxides of nitrogen (NOx) emissions that would exceed the CEQA significance thresholds in the Bay Area Air Quality Management District (District). The actual levels of emissions anticipated to occur in the San Francisco Bay Area Air Basin (SFBAAB) is uncertain due to the programmatic level of analysis provided in the DEIRs, in part due to the uncertainty in the location of aggregate and other building materials that would be used in the construction activity. District staff agrees with the characterization of the construction impacts as significant, but not the conclusion that this impact remains significant because the District does not have an offset program for mobile sources (p. 3.3-72 in both DEIRs). There is insufficient analysis in the DEIRs regarding the availability and feasibility of potential mitigation measures to support this conclusion. For example, the Project could implement an off-site mitigation program that works very similarly to an "offset program for mobile sources" as referenced in the DEIRs.

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Thomas J. Umberg

October 13, 2011

The offsite mitigation program would ensure that the Project does not adversely affect the region's ability to attain national and state ambient air quality standards. Mitigation measure AQ-MM#9 in both DEIRs should be expanded to include the following feasible mitigation measure identified by staff:

The Project shall implement an off-site mitigation program to achieve criteria pollutant (NOx, ROG, PM) emission reductions due to material hauling in the SFBAAB equal to the amount of emissions above the District's significance threshold. In lieu of the California High-Speed Rail Authority (Authority) implementing its own off-site mitigation program, the Authority could off-set their emissions through the District's Carl Moyer Memorial Air Quality Standards Attainment Program (CMP) or other Air District emission reduction incentive programs. The Authority would provide funding for the emission reduction projects in an amount up to the emission reduction project cost-effectiveness limit set by the California Air Resources Board (ARB) for the CMP during the year that the emissions from material hauling are emitted. (The current emissions limit is \$16,640/weighted ton of criteria pollutants [NOx + ROG + (20*PM)]). An administrative fee of 5% would be paid by the Authority to the District to implement the program. The funding would be used to fund projects eligible for funding under the CMP guidelines or other District incentive programs meeting the same cost-effectiveness threshold that are real, surplus, quantifiable, and enforceable.

District staff is available to assist the Authority in addressing these comments. If you have any questions, please contact Alison Kirk, Senior Environmental Planner, at (415) 749-5169.

Sincerely,

Jean Roggenkamp
Deputy Air Pollution Control Officer

cc: District Board of Directors

Response to Submission 841 (Jean Roggenkamp, Bay Area Air Quality Management District,
October 13, 2011)

841-1

See MF-Response-AQ-7.

841-2

See MF-Response-AQ-7.

Submission 552 (Jim Bauler, Central Unified School District, October 11, 2011)



CENTRAL UNIFIED SCHOOL DISTRICT
 4605 North Polk Avenue · Fresno, CA 93722
 Phone: (559) 274-4700 · Fax: (559) 271-8200

BOARD OF TRUSTEES
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SUPERINTENDENT
 Michael A. Berg

October 10, 2011

California High-Speed Rail Authority
 Merced to Fresno EIR/EIS Comment
 770 L Street, Suite 800
 Sacramento, CA 95814

RE: Merced to Fresno Draft EIR/EIS

We have reviewed the Draft Environmental Impact Report/Statement for the Merced to Fresno section of the California High-Speed Rail Project and offer the following comments.

The Central Unified School District operates 20 schools and serves approximately 15,000 students residing in the western portion of the Fresno metropolitan area and nearby rural/agricultural areas. Our District is bisected by the proposed high speed train (HST) route and we have several schools proximate to the HST route.

Transportation Impacts

Within the Central Unified School District, the proposed HST route will be proximate to the Union Pacific railroad tracks. While most of our District is located west of the Union Pacific tracks, a densely populated portion of the District within the City of Fresno is located east of the UP tracks. The attendance area of Rio Vista Middle School is located on both sides of the proposed HST route, as well as the attendance area of Central High School, which includes the entire District. We are concerned that construction of the HST will substantially disrupt transportation between the areas east and west of the HST route.

At present, there is only one practical route cross the UP tracks to access a large urban portion of the District: This is via the Herndon Avenue crossing of the UP tracks. Another way to reach the portion of the District east of the HST route, which is substantially circuitous, is via Shaw Avenue. While we recognize that there will ultimately be grade separations at these locations, construction and corresponding transportation disruptions could potentially occur over a substantial period of time. This could potentially be very disruptive to the District's bus transportation routes, as well as other school-related vehicular transportation.

District Administration
 Laurel Ashlock, Ed.D., Assistant Superintendent, Chief Academic Officer · James H. Bauler, Assistant Superintendent, Chief Business Officer
 Kelli Davis, Assistant Superintendent, Professional Development · Chris Williams, Assistant Superintendent, Human Resources
 Valerie Johnson, Administrator, Special Education and Support Services · Caron Resciniti, Administrator, 7-12 and Alternative Education
 Kevin Wagner, Administrator, Human Resources and Child Welfare & Attendance · Paul Birrell, Director, 9-12 and Adult Education · Karen Garlick, Director, K-6 Education

California High-Speed Rail Authority
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 October 10, 2011

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It is noted that the Draft EIR/EIS does require the preparation specific construction/traffic management plans for the purpose of maintaining pedestrian, bicycle and public transit access and routes, and managing construction-related traffic and parking (see pages 3.2-106 and 107). Such plans, however, should include specific provisions for coordination with school districts with respect to bus routes, pedestrian and bicycle routes, and automobile traffic to schools.

Schools Proximate to HST Route

552-2

The District has two schools located approximately one quarter mile from the proposed HST route: Saroyan Elementary School and Rio Vista Middle School. River Bluff Elementary School is approximately 0.37 mile from the HST route. Based on the information in the Draft EIR/EIS, it does not appear that HST construction and operations would result in significant noise or vibration impacts at these distances from the HST route.

552-3

The Draft EIR/EIS Hazardous Materials Section correctly indicates that state regulations (California Public Resources Code section 21151.4) require the lead agency to consult with any school district with jurisdiction over a school within 0.25 mile of the project about potential impacts on the school if the project might reasonably be anticipated to emit hazardous air emissions, or handle an extremely hazardous substance or a mixture containing an extremely hazardous substance.

Figure 3.10-4 of the Draft EIR/EIS Hazardous Materials Section shows the location of Saroyan Elementary School, Rio Vista Middle School, and River Bluff Elementary School in relation to the HST route. Based on the discussion in the Draft EIR/EIS, it appears that most of the potential for hazardous waste generation would result from project construction, demolition, and excavation activities. The Draft EIR/EIS indicates that potentially hazardous materials and items containing potentially hazardous materials would be used in railway construction, and demolition of existing structures within the project footprint could require the removal of asbestos-containing materials (ACMs) and lead-based paint from project sites. Because of the potential for the accidental release of extremely hazardous materials, Draft EIR/EIS indicates that the effect of HST construction related to routine transport and handling of hazardous or acutely hazardous materials within 0.25 mile of an existing or proposed school would be moderate under NEPA, and the impacts would be significant under CEQA.

To mitigate potential hazardous materials impacts to schools, the Draft EIR/EIS provides the following mitigation measure:

District Administration
 Laurel Ashlock, Ed.D., Assistant Superintendent, Chief Academic Officer · James H. Bauler, Assistant Superintendent, Chief Business Officer
 Kelli Davis, Assistant Superintendent, Professional Development · Chris Williams, Assistant Superintendent, Human Resources
 Valerie Johnson, Administrator, Special Education and Support Services · Caron Resciniti, Administrator, 7-12 and Alternative Education
 Kevin Wagner, Administrator, Human Resources and Child Welfare & Attendance · Paul Birrell, Director, 9-12 and Adult Education · Karen Garlick, Director, K-6 Education

Submission 552 (Jim Bauler, Central Unified School District, October 11, 2011) - Continued

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California High-Speed Rail Authority
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HMW-MM#1: Limit use of extremely hazardous materials near schools. The contractor shall not handle an extremely hazardous substance (as defined in California Public Resources Code Section 21151.4) or a mixture containing extremely hazardous substances in a quantity equal to or greater than the state threshold quantity specified pursuant to subdivision (j) of Section 25532 of the Health and Safety Code within 0.25 mile of a school.

This measure should reduce potential impacts to a less than significant level.
Thank you for the opportunity to comment on the Draft EIR/EIS. Please contact me if you have any questions regarding this letter.

Sincerely,



Jim Bauler
Assistant Superintendent
Chief Business Officer

District Administration
Laurel Ashlock, Ed.D., Assistant Superintendent, Chief Academic Officer · James H. Bauler, Assistant Superintendent, Chief Business Officer
Keri Davis, Assistant Superintendent, Professional Development · Chris Williams, Assistant Superintendent, Human Resources
Valerie Johnson, Administrator, Special Education and Support Services · Canon Resciniti, Administrator, 7-12 and Alternative Education
Kevin Wagner, Administrator, Human Resources and Child Welfare & Attendance · Paul Birrell, Director, 9-12 and Adult Education · Karen Gurtick, Director, K-6
Education

Response to Submission 552 (Jim Bauler, Central Unified School District, October 11, 2011)

552-1

See MF-Response-TRAFFIC-1.

552-2

See MF-Response-NOISE-2.

552-3

See MF-Response-HAZ-1.

Submission 171 (Ronald V. Seals, Chowchilla Union High School District, September 13, 2011)



CHOWCHILLA UNION HIGH SCHOOL DISTRICT
805 Humboldt Avenue
Chowchilla, CA 93610
Phone: 559 665-3662 - Fax: 559 665-1881

"REDSKIN PRIDE COMMUNITY WIDE"

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SEP 13 2011



August 3, 2011

Mr. Roelof van Ark, CEO
California High Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Dear Mr. van Ark,

The planning by the High Speed Rail Authority to construct new high speed rail corridors through the jurisdiction of the Chowchilla Union High School District has caused our Board of Trustees (Trustees) to become vitally concerned.

As described best by your authority, the proposed high speed rail system through California is "the largest public infrastructure project in the nation." While we have great respect for the magnitude of the project you are charged with carrying out, we must insist that you do so while taking into account the very real local impacts that will occur to our vital public education system if you proceed with the route alternatives now being advanced.

Because of this, we request a meeting directly with you as soon as possible. As a starting point, we have August 24, 2011 and September 1, 2011 available to meet with you. It is critical that you be apprised of the impact our district will face as a result of the proposed alternatives you are advancing so that you have the opportunity to study ways to resolve these conflicts prior to the release of the draft federal Environmental Impact Report (EIR)/Environmental Statement (EIS).

We are well aware of your refusal to coordinate the project as required under the National Environmental Policy Act with Kings County. We are also aware that your representative was instructed to refuse to answer the Supervisor's questions at the last meeting requested by them. This is why we request a meeting directly with you to learn firsthand whether or not you will direct the authority's staff to consider the very real impacts the Chowchilla Union High School District will face prior to releasing your draft federal Environmental Impact Study (DEIS).

On June 27, 2011, the Trustees adopted the attached resolution to make clear the board is prepared to insist this project be coordinated with our district to the maximum extent allowed by law. It is the responsibility of the Trustees to ensure that policies and plans implemented

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by the High Speed Rail Authority (HSRA) do not detrimentally affect our ability to provide an excellent educational system for our students and our community as a whole.

While it is well past the time to begin the process of coordinating your federal study with our District, we welcome the opportunity to begin this process today. It is critical that your agency become aware of how your plans as proposed will not only disrupt our ability to perform our duties as Trustees, but disrupt our school bus routes, divide our district, impact the safety of our students, and create impaired property values directly affecting our ability to budget and fund, plan, and operate our District.

171-2

The District's jurisdiction includes mainly agricultural lands. The proposed routes now being considered by the HSRA will destroy existing agricultural enterprises affecting the citizens of our community, the tax base of our county and District and, hence, the annual budget of our District. This will place our District at a severe disadvantage to properly carry out our charge.

All of these issues must be analyzed in the draft EIS so that the public and decision makers have the opportunity to weigh the detrimental impacts to the Chowchilla Union High School District, as well as, the environmental impacts. However, none of our concerns have been taken into account in the publicly released versions of the draft study documents.

Administrative agencies, such as the HSRA, are required by both State and Federal statutes and regulations to coordinate with local governments in developing and implementing plans, policies and management actions. This is for the very purpose of insuring that when you pursue a project as large as the HSR, you do so without overlooking the critical impacts to vital public service entities such as our District. You cannot possibly know what these impacts will be to the Chowchilla Union High School District without discussing the project directly with our Board of Trustees.

It is our desire to work with the HSRA in a unified and productive manner through the EIS process to resolve the conflicts your agency is required by law to consider. This type of discussion can only come with formal government-to-government meetings through the coordination process as required by the National Environmental Policy Act, to which your agency is obligated to follow.

Congress recognized the essential contribution of local governments to the NEPA process at 42 USC 4331 (a):

"...it is the continuing policy of the Federal Government, in cooperation with State and Local governments, ...to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans."

Section (b) of this mandate further requires that the government do this "to improve and coordinate federal plans, functions, programs, and resources...." Coordination must be conducted with local government in order for the Congressional mandate to be properly implemented.

The State of California understands the coordination duty of agencies implementing the federal law of NEPA, as it has enforced this duty in the United States District Court for the Northern District of California. In California Resources Agency v. US Department of

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Submission 171 (Ronald V. Seals, Chowchilla Union High School District, September 13, 2011) - Continued

Agriculture (No. C 08-3884 MHP), the State successfully challenged the U.S. Forest Service's refusal to coordinate four federal forest management plan revisions with the State. The Federal Court ruled in the state's favor and required the Federal Agency to begin the NEPA process over, this time in coordination with the State.

It is our hope that the HSRA can avoid this mistake and will instead work with our District to resolve the conflicts with the project and our plans and policies prior to the draft EIS's official public release. To date, the HSRA has not engaged the District on a level or in a manner that would address any of the concerns, conflicts, economic or technical analyses, or any appropriate alternatives as required under NEPA and its regulations.

As former Administrator Jennifer L. Dorn, during a 2004 Budget Hearing for the Federal Transit Administration, summarized the need to coordinate like this: "There is nothing more important to good transit investments than to have a good plan, to have that *coordinated at the local level*, and to be able to provide transportation for more services and more riders."

The District welcomes a meeting with you to begin this deliberative process and apprise you of the conflicts that must be taken into account by your agency. Please let us know which of the meeting dates suggested earlier in this letter will work best for you by August 17, 2011. If those dates are not convenient for you and your staff, please call me at 559-665-3662 to arrange a convenient meeting date. We will make the District Board chambers located at 805 Humboldt Avenue, Chowchilla, California, 93610 available for these meetings.

I can also be reached in the following manner:

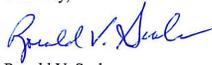
Email: sealsro@chowhigh.com

Fax: 559-665-1881

Address: 805 Humboldt Avenue, Chowchilla, California 93610

We look forward to meeting with you and your staff to begin coordinating on this project.

Sincerely,



Ronald V. Seals
Superintendent

cc Federal Railroad Administration
Department of Transportation, Secretary
U.S. Congressman Jeff Denham, District 19
Assembly Member Kristin Olsen, District 25
Senator Tom Berryhill, District 14
Kings County Commissioners Court

Response to Submission 171 (Ronald V. Seals, Chowchilla Union High School District, September 13, 2011)

171-1

CHSRA met with Chowchilla Union High School District on November 29, 2011.

The Authority has taken the issues raised by the District into consideration in its continued refinement of the project design. However, the Authority and FRA are responsible for weighing these considerations in the context of both the project purpose and need and project environmental impacts when making its decision on the project. That decision may or may not resolve all of the issues raised by the District in the manner in which the District would prefer. To the extent that it does not, it does not indicate that the Authority and FRA did not coordinate with the District, but rather that they were unable to resolve the issues while balancing other project concerns.

A summary of concerns raised by school districts and information from the Final EIR/EIS chapters, technical reports, and other supplemental information that address the above issues and concerns is included in Appendix 3.12-D, Summary of Issues/Concerns Affecting Schools. Also see MF-Response-SOCIAL-5.

171-2

See MF-Response-SOCIAL-5. The text in Section 3.12.5 of the Final EIR/EIS has been updated to include additional discussion of impacts to school districts, and a memo providing additional information on this issue is provided as Appendix 3.12-B, Effects on School District Funding.

Submission 671 (Ron V. Seals, Chowchilla Union High School District, October 13, 2011)

Merced - Fresno - RECORD #671 DETAIL

Status : Action Pending
Record Date : 10/13/2011
Response Requested :
Stakeholder Type : Government
Submission Date : 10/13/2011
Submission Method : Project Email
First Name : Ron
Last Name : V. Seals
Professional Title : Superintendent
Business/Organization : Chowchilla Union High School District
Address : 805 Humboldt Avenue
Apt./Suite No. :
City : Chowchilla
State : CA
Zip Code : 93610
Telephone : (559) 665-3662
Email : sealsro@chowhigh.com
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List : Yes
Stakeholder Comments/Issues : Attached are the comments from the Chowchilla Union High School District, located in Chowchilla, California, 93610.

Thank you,
Ronald V. Seals
Superintendent

EIR/EIS Comment : Yes
Attachments : DEIR-DEIS Comments - Signed - 10-12-11.pdf (2 mb)



CHOWCHILLA UNION HIGH SCHOOL DISTRICT
805 Humboldt Avenue
Chowchilla, CA 93610
Phone: 559 665-3662 - Fax: 559 665-1881

"Redskin Pride Community Wide"



October 12, 2011

California High-Speed Rail Authority
Merced to Fresno High-Speed Train Section
Draft Environmental Impact Report/
Environmental Impact Statement (EIR/EIS) Comments
770 L Street, Suite 800, Sacramento, CA 95814

Dear California High-Speed Rail Authority:

My name is Ronald V. Seals and I am the superintendent and alumnus of the Chowchilla Union High School District (CUHSD). The CUHSD Board of Trustees, all who are alumni of CUHSD, are made up of five local citizens who have many years of serving the youth of Chowchilla.

CUHSD operates a single comprehensive high school that serves the 9th-12th grade students of Chowchilla and the surrounding area. There are two feeder school districts: Chowchilla Elementary School District and the Alview-Dairyland School District. These are both K-8 districts.

CUHSD trustees and I have the responsibility to provide a quality free and appropriate education for the students of Chowchilla. We passionately embrace this responsibility and constantly strive to improve the educational environment while defending our institution from disruptions and barriers to student success.

Enclosed are the CUHSD comments regarding the Merced to Fresno High-Speed Train Section Draft Environmental Impact Statement (EIR/EIS).

Respectfully,

A handwritten signature in blue ink that reads "Ronald V. Seals".

Ronald V. Seals
Superintendent

Submission 671 (Ron V. Seals, Chowchilla Union High School District, October 13, 2011) - Continued



CHOWCHILLA UNION HIGH SCHOOL DISTRICT
805 Humboldt Avenue
Chowchilla, CA 93610
Phone: 559 665-3662 - Fax: 559 665-1881

"Redskin Pride Community Wide"

October 12, 2011



Chowchilla Union High School District
Comments for the Merced to Fresno High-Speed Train Section Draft EIR/EIS

1.

The City of Chowchilla is very unique to the California High-Speed Rail Authority (CHSRA). It is the only city in the State of California to have both the North/South and the East/West rail lines coming together. With such a critical piece of rail track intersection, it is difficult to understand why the CHSRA did not spend quality time coordinating and collaborating with the public agencies in and around the City of Chowchilla, namely the Chowchilla Union High School District, to thoroughly investigate the area and the impacts for the various routes in the DEIR/DEIS on the education community.

On June 27, 2011, the CUHSD Board of Trustees passed a resolution (5-0) insisting that the California High-Speed Rail project be coordinated with the district to the maximum extent allowed by law (see attachment A). CUHSD sent a letter to Mr. Roelof van Ark, CEO on August 3, 2011 (see attachment B), asking to meet with him and the CHSRA. To date, CUHSD has had no response from Mr. van Ark or anyone else from the CHSRA.

The National Environmental Policy Act (NEPA) requires formal government-to-government meetings to work in a unified and productive manner through the EIS process to resolve conflicts that the CHSRA by law must consider. Congress recognized the essential contribution of local governments to the NEPA process at 42 USC 4331(a):

"...it is the continuing policy of the Federal Government, in cooperation with State and local governments, ...to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans."

Section (b) of this mandate further requires that the government do this *"to improve and coordinate federal plans, functions, programs, and resources..."* Coordination must be conducted with local government in order for the Congressional mandate to be properly implemented.

The State of California understands the coordination duty of agencies implementing the federal law of NEPA, as it has enforced this duty in the United States District Court for the Northern District of California. In *California Resources Agency v. US Department of Agriculture* (No. C 08-3884 MHP), the State successfully challenged the U.S. Forest Service's refusal to coordinate four federal forest management plan revisions with the State. The Federal Court ruled in the State's favor and required the Federal Agency to begin the NEPA process over, this time in

671-1

coordination with the State. The CHSRA has failed to coordinate with stakeholder agencies, such as the Chowchilla Union High School District and therefore has not met the requirements of NEPA.

2. Date of release of the Draft EIR/EIS and the limited amount of time to read, comprehend, and comment.

The date of release (August 15, 2011) occurred during the week of staff in-services and freshman orientation for the Chowchilla Union High School District. The first day of school occurred on Monday, August 22, 2011. This is an incredibly hectic time, made worse by the State's inability to fund education at levels to provide for all of programs necessary to provide for a quality free and appropriate education.

The CHSRA, with the extension to October 13th for the submission of comments to the DEIR/DEIS only gave 60 days. This means 60 days to read, comprehend, synthesize, and formulate intelligent comments to the entire DEIR/DEIS which consisted of thousands of pages. It doesn't take much common sense to determine the enormity of this task. Especially when we are trying to do JOB ONE: educate our kids, California's future. This is extremely frustrating and inadequate, especially when the CHSRA itself describes this project as "...the largest public infrastructure project in the nation." Sixty days for the largest project? Inadequate!

671-2

3. 7.2.2 Scoping Meetings

In the Merced to Fresno Section, scoping meetings were held in Merced, Madera, and Fresno. Never was a scoping meeting held in Chowchilla, even though, Chowchilla is a critical area to this project due to the North/South and East/West alignments coming together. It makes no sense to the CUHSD that the CHSRA did not reach out and meet with the local public educational agencies to investigate and consider local impacts. Therefore the CUHSD states that the CHSRA did not follow the NEPA and CEQA requirements of conducting public and agency involvement programs as part of the environmental review process.

4. 7.2.3 Scoping Comments

Through all the comments identified through the scoping process, there were no impacts to education identified. A condition not surprising since the CHSRA did not discuss potential impacts with the CUHSD.

The requirements of NEPA and CEQA have not been met with the DEIR/DEIS for identifying the potential impacts, range of actions, alternatives, environmental effects, and mitigation measures to be analyzed in depth regarding education. A detailed study did not occur and cannot occur without identifying impacts to education.

5. 7.3.2 Technical Working Group Meetings during the Alternatives Analysis Process

"The CHSRA formed an agency TWG that consisted of senior staff from county and city public works and planning departments, redevelopment agencies, and economic development agencies."

By the CHSRA's own account in the DEIR/DEIS, there is no mention of any involvement by representatives of education. Without the participation from education, there can be no analysis of the proposed routes and the impacts to education caused by those routes.

Submission 671 (Ron V. Seals, Chowchilla Union High School District, October 13, 2011) - Continued

671-2 | Excluding education representatives from the TWG causes the requirements of NEPA and CEQA of public and agency involvement not to be met.

6. 7.4.3 Agency Meetings and Consultation

On October 8, 2009, the Authority hosted an Environmental Resource Agency meeting and invited representatives from various participating agencies. The list included in the DEIR/DEIS did not include any representatives from education. No representatives from the California Department of Education, no local school districts, and no county office of education representatives.

The CHSRA did not include representatives from education even though education entities are public agencies, both local and state, which under NEPA must be included in the process. The CHSRA fails to meet the requirements under NEPA and CEQA for public agencies coordination by excluding education representatives.

7. 3.12.3.2 Methods for Evaluating Effects under NEPA

671-3 | The A2 (UPRR/SR99) route through Chowchilla will physically divide established neighborhoods. The only major grocery store is Save Mart which is located at 1225 E. Robertson Boulevard, Chowchilla, CA. 93610. Save Mart serves the entire community even though it is located on the east side of Chowchilla. The A2 route will divide the majority of the Chowchilla community, separating Save Mart and the Green Hills subdivision from the rest of Chowchilla. This clearly meets the 'Substantial' classification under NEPA. It also meets the definition of 'Significant Impact' under CEQA by physically dividing an established community.

8. 3.14.7 NEPA Impacts Study

671-4 | The Chowchilla Union High School District is comprised primarily of agricultural lands and therefore relies upon the local taxes on the agricultural lands as part of the funding mechanism for the school district. The removal of "1037-1481 acres" of Important Farmland that is currently paying local taxes will be removed from the tax rolls, decreasing the amount of local revenue to the Chowchilla Union High School District. The CHSRA has stated in the NEPA Impacts Study that even after mitigation, significant impacts to Important Farmland will remain. The CHSRA has failed to rigorously evaluate all reasonable alternatives, including the proposed action, in comparative form in the DEIS. This renders the DEIS as incomplete.

9. 3.14.18 CEQA Significance Conclusions

671-5 | Table 3.14.16 describes the Construction Period Impacts as Not Applicable. There will most certainly be many impacts during the construction of "...the largest public infrastructure project in the nation." For the CHSRA to claim "not applicable" to impacts during construction is totally incorrect and misleading to the public. According to CEQA, both direct and indirect significant effects of the project must be clearly identified and described, giving consideration to both the short-term and long-term effects. The fact that the CHSRA has claimed "not applicable" clearly fails to consider the short-term effects. The DEIR is therefore incomplete.

Table 3.14.16 also indicates that under Project Impacts – Ag#1 and Ag#2, even after mitigation, will still have Significant Impacts. Under CEQA, agencies must adopt feasible mitigation measures, or feasible alternatives, in order to substantially avoid impacts. Clearly the CHSRA has failed to do so in the DEIR. There is no discussion of a reasonable range of alternatives in

671-5 | "meaningful detail" in fact there is no record here of any discussion of alternatives. The DEIR is incomplete.

671-6 | 10. 3.17 Cultural and Paleontological Resources

3.17.4 Fails to identify the Fossil Discovery Center of Madera County (<http://maderamammoths.org>) at 19450 Avenue 21 1/2, Chowchilla, California, 93610. This facility is located very near the actual locations of the fossil discoveries. Failure to identify and discuss this fossil find, as it is near HST routes, fails to clearly identify and describe the direct or indirect effects of the CHSRA project in the DEIR/DEIS on this paleontological site.

671-7 | 11. 3.2.5.1 Overview

"A substantial amount of intercity auto travel (primarily using SR 99) would divert to HST service, relieving projected future congestion on SR 99." This is nothing more than a statement by the CHSRA, as there are no studies or surveys referenced to substantiate the statement. This is misleading and definitely not the case for those citizens of Chowchilla and Madera, for there are no planned stations for Chowchilla or Madera. Citizens of Chowchilla and Madera will not be leaving their automobiles for intercity travel on the HST.

Under NEPA, agencies decisions must be founded on a reasoned evaluation of the relevant factors, not statements.

12. 3.2.5.1 Overview

The impacts during construction to traffic flow, circulation, and access will impede the ability of Chowchilla Union High School District's home-to-school transportation program. The CHSRA fails to identify any impacts to school districts and failed to even investigate the possibility that impacts will exist to educational institutions. CUHSD disagrees with the following statements in the DEIR/DEIS: "These impacts would not substantially increase hazards or incompatible uses or result in inadequate emergency access. For example, the UPRR/SR 99 Alternative would require the closure of between 22 and 25 local roadways, the BNSF Alternative would require the closure of between 27 and 42 local roadways, and the Hybrid Alternative would require closure of between 30 and 37 local roadways." The road closures alone will cause significant impacts to the Chowchilla Union High School District, both in the short and long term. CEQA states that both direct and indirect significant effects of the project must be clearly identified and described, giving consideration to both short and long-term effects. The CHSRA fails to clearly identify and describe both the direct and indirect significant effects of the project in the DEIR/DEIS.

13. Transportation

671-8 | The Chowchilla Union High School District currently has over 60% of its students qualifying for free and reduced breakfast and lunch. Home-to-School transportation is underfunded with the district having to supplement the program with general fund dollars. The uniqueness of both routes coming together just south of Chowchilla actually divides the Chowchilla Union High School District in to thirds, in effect, creating a double barrier no matter which routes are selected.

Coupled with numerous road closures, the CUHSD Home-to-School routes will increase in distance and time. The district will be forced to either begin picking up students before 6:00 a.m. (8:05 school start) or hire extra drivers. Both solutions will increase the costs for Home-to-

Submission 671 (Ron V. Seals, Chowchilla Union High School District, October 13, 2011) - Continued

671-8

School transportation to CUHSD. Fuel consumption goes up causing increased costs to the district and increase greenhouse emissions. Hiring extra drivers also means buying additional buses. CUHSD purchased a new bus in August of 2011 for over \$140,000.00.

Let's not forget that we live in the Central Valley where the Tule Fog is present during the winter months and causes dangers with visibility. Through the years, bus route turn-arounds have been determined to minimize the risks of driving in the fog in buses. Closing down roads will potentially cause the CUHSD to increase route distance to maintain driver/student safety during foggy weather, again driving up costs and greenhouse emissions.

671-9

Agricultural spraying of chemicals, whether by air or ground, is common practice in farming communities such as Chowchilla. There is no discussion in the DEIR/DEIS regarding agricultural spraying and the potential drift that would occur with the vortex of the HST. These incidents of agricultural spraying coupled with the HST will cause chemical drifts into the open windows of the school buses, causing emergency, potentially life threatening situations with the students and driver.

At no time has the CHSRA reached out to the Chowchilla Union High School District to investigate these impacts and they have ignored the district's request to meet. This project will have significant impacts both during construction and once the project is built out and there are no mitigation measures discussed in the DEIR/DEIS. Clearly, no one thought about the students who are trying to get a free and appropriate education in the Chowchilla Union High School District.

14. Lack of funding to complete the project.

671-10

With two routes coming together just south of Chowchilla, somewhere between 1000-1581 acres of farmland (with just one route) will be removed from crop production, and homes in the routes will be eliminated, it is not out of reason that people will be moving out of the Chowchilla Union High School District. That will mean declining enrollment. Declining enrollment means less students, less students mean less revenue, less revenue means less programs and services, less programs and services means a weak education, a weak education means a weak work force, a weak work force means a poor economy, etc.

Again, no communication from the CHSRA to CUHSD to investigate, identify, discuss, and mitigate significant impacts as a result of this project. Clearly this does not comply with NEPA and CEQA.

The Chowchilla Union High School District eagerly awaits the timely responses of the California High Speed Rail Authority to these DEIR/DEIS comments.

Respectfully submitted,



Ronald V. Seals
Superintendent

Response to Submission 671 (Ron V. Seals, Chowchilla Union High School District, October 13, 2011)

671-1

See MF-Response-GENERAL-7.

671-2

See MF-Response-GENERAL-7 and MF-Response-GENERAL-17.

671-3

See MF-Response-SOCIAL-4 and MF-Response-GENERAL-5.

671-4

See MF-Response-SOCIAL-5.

671-5

Table 3.14-16 reflects the conclusions reached in Section 3.14.5 that project construction would not result in significant impacts and therefore requires no mitigation measures. It has been revised in the final EIR/EIS to clarify this point. This does not mean that the project will not have impacts, but instead that the impacts, in light of project components, would not be significant impacts.

See MF-Response-GENERAL-2. CEQA requires that feasible mitigation measures be adopted to avoid or minimize the impacts of a project. However, it does not require that impacts be mitigated below a level of significance if that is not feasible (see Public Resources Code Section 21002.1). The EIR/EIS examines feasible alternative alignments for the HST, but all feasible alignments in the Central Valley would result in the conversion of agricultural land and have significant and unavoidable farmland impacts.

671-6

The Fossil Discovery Center of Madera County is also known as the Fairmead Landfill paleontological site. It is discussed as the Fairmead Landfill paleontological site in Section 3.17.4.4, and its avoidance is also noted. A reference to the Fossil Discovery Center was added to Chapter 3.17.4.4.

671-7

See MF-Response-TRAFFIC-1, MF-Response-TRAFFIC-2 and MF-Response-TRAFFIC-3.

671-8

See MF-Response-S&S-1 and MF-Response-S&S-2.

Section 3.2, Transportation, of the Final EIR/EIS discusses transportation issues, including increases in traffic during construction and road closures. The design features and mitigation measures listed in Section 3.2, Transportation, are intended to minimize traffic impacts, including the preparation of a detailed Construction Transportation Plan (Plan) prior to commencing any construction activities. The Plan is intended to address the activities to be carried out in each construction phase, and will be prepared in coordination with the affected school districts. The Plan will include a Traffic Control Plan that addresses temporary road closures, detour provisions, allowable routes, and provisions for emergency access, school transportation, and farm equipment. Changes to the transportation system after construction would not increase any safety hazards since all crossings would be grade-separated and designed to be safe for visibility (including during periods of fog) and farm equipment. Additionally, the effect of detours around construction sites on the number of accidents and on emergency response times would be negligible with implementation of the Construction Transportation Plan and Traffic Control Plan.

The width of roadway overpasses would accommodate farm equipment on the overpasses, and would therefore accommodate school buses (which are narrower and lighter than some farm equipment) traveling in each direction. Driving conditions in fog on modified roadways and overpasses, which would be built in accordance with current engineering standards, would be the same as existing conditions during periods of fog on existing roads and bridges. In some locations, new roadway overcrossings would deviate from the existing roadway alignment (i.e., they would be off the current centerline) so that the overcrossing could be constructed while maintaining traffic on the existing road. Offline overpasses will be designed in accordance with applicable design standards, which account for driver expectations (for example, roadway curves would not be abrupt) and safety (for example, guard rails and crash barriers would be installed on bridges). Such design

Response to Submission 671 (Ron V. Seals, Chowchilla Union High School District, October 13, 2011) - Continued

671-8

features

would reduce the safety hazards during fog conditions.

The project construction footprint for the BNSF alternative would be adjacent to the Le Grand Fire Station, but would not require its acquisition and would not obstruct access to and from the station. The BNSF alternative would also be grade-separated in downtown Le Grand, and therefore would not affect the station after construction.

Changes to the transportation network during construction would be temporary and are not expected to have long-term effects on school costs. In areas where a new crossing is required, detours would be built first and traffic diverted. After construction is completed, traffic would be diverted to the new overcrossing. Prior to construction, a construction management plan will be implemented and will include information to address communications, safety controls, and traffic controls to minimize impacts and maintain access. Additionally, a Construction Transportation Plan will be prepared prior to construction and will provide information about the safety of school children and advising school districts of construction activities. With the implementation of mitigation, no significant impacts on school transportation are expected during construction.

Permanent road closures are also not expected to significantly impact schools. Nearly all of the schools are located within the city limits of Merced, Madera, Chowchilla, Le Grand, and Fresno. In the Chowchilla and Madera areas, the alignment is generally elevated; therefore, no road closures are proposed. There would be two road closures in the City of Merced, but two new crossings would be added within ¼-mile of each closure.

There would be five road closures in the City of Fresno, but eight new crossings would be added within 1/4-mile of each closure. Therefore, these closures would have minimal impact. See Final EIR/EIS Appendix 2-A, Proposed Roadway Activities Along HST Alternatives, for additional information and for maps of road closures and new crossings.

Outside of the urban areas, all of the HST alternatives include roadways that would be closed as a result of the HST project; however, in many cases new roadway crossings would be constructed in these locations and if not, then crossings would be provided

671-8

every 2 miles, resulting in no more than 1 mile of out-of-direction travel for vehicles to cross the HST tracks. The UPRR/SR 99 and Hybrid alternatives include new roadway crossings over SR 99 in unincorporated Merced County where there are currently none. These new crossings could allow for more direct transportation across the SR 99 and UPRR corridors. There are also crossings of the BNSF corridor for the BNSF and Hybrid alternatives in Merced County and Madera County. These overcrossings would remove conflicts with railroads and improve safety and access for buses. It is unlikely that school bus service is provided in these rural areas and the majority of students are likely driven by family members or themselves.

671-9

See MF-Response-AGRICULTURE-5.

The long-term statewide and regional impact on air quality from operation of the HST would be beneficial. Fugitive dust emissions due to the HST-induced airflow were evaluated in Section 3.3, Air Quality and Global Climate Change, of the Draft EIR/EIS. Particulate pollution is composed of solid particles or liquid droplets small enough to remain suspended in the air. In general, particulate pollution can include dust, soot, and smoke. These can be irritating but usually are not poisonous. Particulate pollution also can include bits of solid or liquid substances that can be highly toxic. Of particular concern are PM10 and PM2.5. PM2.5 is a subset of PM10 and refers to particulates that are 2.5 microns or less in diameter, roughly 1/28th the diameter of a human hair. PM2.5 emissions are a greater health concern than PM10 emissions. As indicated by the emissions data, only a small portion of the fugitive dust would be PM2.5. As the airflow diminishes, fugitive dust emissions beyond 10 feet from a train traveling at 220 miles per hour (mph) and the subsequent health risks would be negligible.

During construction, there is a potential for significant impacts to air quality. Analyses performed by the California Air Resources Board (CARB) indicate that providing a separation of 1,000 feet from diesel sources and high traffic areas, such as concrete batch plants, would substantially reduce diesel PM concentrations, public exposure, and asthma symptoms in children (CARB, 2005). With the implementation of mitigation measures on this project, no concrete batch plants would be located within 1,000 feet of

Response to Submission 671 (Ron V. Seals, Chowchilla Union High School District, October 13, 2011) - Continued

671-9

schools. This, along with additional construction mitigation measures, would reduce impacts to air quality. However, as stated in the Children's Health and Safety Risk Assessment, at the regional level there would be the potential for significant impacts related to fugitive dust and combustion pollutants, even with mitigation. Adjacent to existing transportation corridors in the urban areas, children are likely already exposed to vehicle and train emissions. The impacts would end following construction completion.

671-10

See MF-Response-GENERAL-4 and MF-Response-SOCIAL-5.

Submission 749 (Kole Upton, Chowchilla Water District, October 11, 2011)

Comment Period Extended: October 13, 2011. El periodo a hacer comentarios está prolongado hasta del 13 de octubre de 2011.

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CALIFORNIA High-Speed Rail Authority **Comment Card Tarjeta de Comentarios**

Merced to Fresno High-Speed Train Section Draft Environmental Impact Report/ Environmental Impact Statement (EIR/EIS) – Public Hearings September 2011 *Tren de Alta Velocidad Sección Merced a Fresno Anteproyecto del Informe de Impacto Medioambiental/Declaración de Impacto Medioambiental (EIR/EIS) - Audiencias Públicas Septiembre 2011*

Please submit your completed comment card at the end of the meeting, or mail to: *Merced to Fresno HST Environmental Review, 770 L Street, Suite 800, Sacramento, CA 95814*
 Por favor entregue su tarjeta al final de la reunión, o envíela a una de las siguientes direcciones:

The comment period on the Draft EIR/EIS begins August 15, 2011 and ends September 28, 2011. Comments received after 5:00 p.m. on September 28, 2011 will not be addressed in the Final EIR/EIS. El periodo a hacer comentarios empieza a 15 de agosto y termina a 28 de septiembre. Comentarios recibidos después de 5:00 p.m. a 28 de septiembre no se responderá en el EIR/EIS final.

Name/ Nombre: Kole Upton Organization/ Organización: Chowchilla Water District

(Optional/Opcional) Address/Domicilio: P.O. Box 575 Phone Number/ Número de teléfono: (559) 805-8755

City, State, Zip code/ Ciudad, estado, código postal: Chowchilla, CA. 93610 Email address/ Correo electrónico: kupton@inreach.com

Comment KU-3

749-1

The Draft EIR does not adequately address flood impacts of the West Chowchilla Bypass Option of Hybrid Alternative particularly in Merced County.

Deadman Creek does NOT have any flood control structures. Thus, Deadman Creek frequently spills over on to adjacent land during heavy rain events. On page 2-42 of the Hybrid Alternative part (2.4.4) of the Alternative Section (2.0), it simply states, "...existing facilities would be modified, improved, or replaced as needed ..."

What facilities? There are none. The construction of the train will present a new impediment to the flood situation adversely affecting surrounding landowners. Further, how will train operation be affected if the track is surrounded by, or under water?

This Draft EIR in no way adequately addresses the flood situation of the West Chowchilla Bypass Option of the Hybrid, and the possible dire public safety impacts.

Response to Submission 749 (Kole Upton, Chowchilla Water District, October 11, 2011)

749-1

See MF-Response-WATER-3. Methods for evaluating potential impacts to hydrology and floodplains are described in EIR/EIS Section 3.8.3.1, Methods for Analyzing Study Area Impacts. With regard to public safety, also see the subsection Hazards from Flooding in the EIR/EIS Section 3.11.5 (Safety and Security).

Submission 751 (Kole Upton, Chowchilla Water District, October 11, 2011)

Comment Period Extended to
 October 13, 2011

El periodo a hacer comentarios
 está prolongado hasta del
 13 de octubre de 2011

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CALIFORNIA High-Speed Rail Authority

**Comment Card
 Tarjeta de Comentarios**

Merced to Fresno High-Speed Train Section / *Tren de Alta Velocidad Sección Merced a Fresno*
Draft Environmental Impact Report/ / *Anteproyecto del Informe de Impacto*
Environmental Impact Statement (EIR/EIS) – / *Medioambiental/Declaración de Impacto*
Public Hearings / *Medioambiental (EIR/EIS) - Audiencias Públicas*
 September 2011 / Septiembre 2011

Please submit your completed comment card at the
 end of the meeting, or mail to: Por favor entregue su tarjeta al final de la reunión, o
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Merced to Fresno HST Environmental Review, 770 L Street, Suite 800, Sacramento, CA 95814

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 agosto y termina a 28 de septiembre. Comentarios recibidos después de 5:00 p.m. on September
 28, 2011 will not be addressed in the Final EIR/EIS. no se responderá en el EIR/EIS final.

Name/
 Nombre: Kole Upton

Organization/
 Organización: Chowchilla Water District

(Optional/Opcional)
 Address/Domicilio: P.O. Box 575

Phone Number/
 Número de teléfono: (559) 805-8755

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 Ciudad, estado, código postal: Chowchilla, CA. 93610

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 Correo electrónico: kupton@inreach.com

Comment KU-5

751-1

The Hydraulics and Flood Plain Tech Reports A & B have flawed data. Throughout, it has the appropriate responsible jurisdictions confused and/or wrong, specifically, in regard to Dutchman and Deadman Creeks in Merced County.

For example, page B-21 in Appendix B of the Fact Sheets for Selected Water Body Crossings has LeGrand-Athlone as the responsible water district. In fact, Le-Grand-Athlone only serves up to a certain point at just about the proposed route. After that, Chowchilla Water District uses the Creek as a means to deliver water to its constituents who own land on both sides of Deadman Creek.

Further, the Draft EIR fails to address the effect of the destruction of the transfer facilities between the two districts. LeGrand-Athlone receives water from Merced irrigation District and transfers some of it to Chowchilla Water District. The proposed route destroys this capability thus adversely impacting landowners of Chowchilla Water district.

Response to Submission 751 (Kole Upton, Chowchilla Water District, October 11, 2011)

751-1

A combination of best available information was used to determine water crossing responsible jurisdictions. The primary source was a map of San Joaquin Valley “Boundaries of Public Water Agencies” (2001), which was used as a guide for assigning jurisdictions. It is acknowledged that this is a rough guide to water agency boundaries, and more detailed information was used when available. Other detailed source information included a CAD map of the Chowchilla Water District (no date provided). It is recognized that the actual operations of the various irrigation and water districts crossed by the HST are complex, and may not be represented entirely by simple boundaries on maps.

Deadman Creek

When georeferenced to the HST alignment, the “Boundaries of Public Water Agencies” map shows the Deadman Creek crossing in the Le Grand – Athlone Water District. The boundary of the Chowchilla Water District on the District’s CAD files ends just north of Dutchman Creek (boundary between township 8S and 9S), and does not include Deadman Creek. The best available information indicates that this crossing is operated by the Le Grand – Athlone Water District, and that the Draft EIR/EIS is correct. The Authority acknowledges, however, that the commenter may be correct based on superior local knowledge.

The crossings of Deadman Creek for the various options of the BNSF alignment are all shown as within the Le Grand – Athlone Water District boundaries on the “Boundaries of Public Water Agencies” map. These crossings are not located on the Chowchilla Water District CAD map.

Dutchman Creek

The location of the Dutchman Creek crossings of the UPRR and Hybrid alignments are close to the border of the Chowchilla Water District on both the “Boundaries of Public Water Agencies” map and the Chowchilla Water District map. Upon closer inspection of these maps, the Authority acknowledges that the commenter is correct – these crossings are determined to be within the Chowchilla Water District boundaries. This has been changed in the FEIR/EIS.

Transfer Facilities

It is unclear which transfer facilities are being referred to in this comment. As noted in Table 5-3 of the Hydraulics and Floodplain report, hydraulic operation of waterbodies

751-1

(including irrigation canals and ditches) crossed by the alignment will be maintained by crossing over the waterbody (e.g., with elevated track or spanned crossing) or will be placed in a culvert. These crossing design concepts are described in Section 5.2 of the report, which is available online under “Technical Reports” on the same web page as the EIR/EIS.

Submission 550 (Doug Welch, Chowchilla Water District, October 11, 2011)

Chowchilla Water District

Post Office Box 905 ♦ 327 S. Chowchilla Blvd. ♦ Chowchilla, CA 93610
Phone (559) 665-3747 ♦ Fax (559) 665-3740 ♦ Email dwelch@cwwater.com

Board of Directors

Dan Maddalena ♦ Michael Mandala ♦ Vince Taylor ♦ Kole M. Upton ♦ Mark Wolfshorndl

October 7, 2011

California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

Ladies and Gentlemen:

The Chowchilla Water District (CWD) offers the following comments on the California High-Speed Rail Authority Merced to Fresno Draft EIR/EIS.

The Chowchilla Water District serves about 85,000 acres situated in southern Merced County and northern Madera County on the eastside of the San Joaquin Valley. The District serves over 400 waterusers, with an average farm size of 162 acres. About 75% of the District is planted to permanent crops. The top five crops grown in the District are (in order of prominence) almonds, alfalfa, corn, wine grapes and wheat. Over forty different crops are grown by farmers in the District. The District utilizes portions of the Chowchilla River, Ash Slough and Berenda Slough to convey irrigation water to the District's irrigation water distribution system, which consists of 150 miles of unlined canals and 49 miles of pipeline.

550-1

CWD representatives participated in numerous public and technical California High Speed Rail Authority meetings over the past two years. During these meetings CWD representatives expressed concerns about the impacts of the High Speed Rail (HSR) on CWD operations and maintenance due to the closure of county roads, farm roads and CWD's irrigation distribution system roads at locations where they would be crossed by the HSR. HSR staff and consultants stated that CWD's concerns would be addressed and mitigated by providing an undercrossing at each location where the HSR crossed a CWD irrigation distribution system road. HSR staff and consultants also stated that undercrossings would be provided for farm roads (which are used by farmers and CWD canal operators) to get from one side of the HSR to the other. On several occasions CWD representatives responded that they didn't believe that the HSR would actually provide the undercrossings. HSR staff and consultants reiterated that undercrossings would be provided to mitigate impacts on both CWD irrigation distribution roads and farm roads.

California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
Page 2

550-1

Unfortunately, the California High-Speed Rail Authority Merced to Fresno Draft EIR/EIS fails to provide any undercrossings at locations where the HSR crosses CWD irrigation distribution system roads or farm roads. As CWD representatives suspected, the HSR staff and consultants did not have any real intent to mitigate the disruptive impacts the HSR will have on the daily operation and maintenance activities of the Chowchilla Water District. The proposed route alternatives of the HSR will block many of the transportation corridors (county roads, farm roads and CWD's irrigation distribution system roads) that CWD employees utilize daily to operate and maintain CWD irrigation water distribution facilities. Blockage of these transportation corridors will result in canal operators having to drive many more miles each day in order to monitor water levels and flows in canals, operate irrigation gates and measure water deliveries. During the high water usage summer months it may be necessary for CWD to hire additional personnel and purchase additional vehicles to adequately monitor water levels and flows in canals, operate irrigation gates and measure water deliveries. Blockage of these transportation corridors will also result in increased time and cost to move maintenance equipment such as graders, dozers, backhoes, gradalls, pesticide spray trucks, etc. from one location to another. In some cases special permits will be required to move maintenance equipment such as a dozer on public roads where the HSR has blocked a canal right-of-way. These increased costs will result in increased water rates for landowners in CWD.

550-2

The increase in miles driven each day by CWD employees will result in the consumption of additional fossil fuels and additional air pollution. The improvements in air quality that the California High-Speed Rail Authority Merced to Fresno Draft EIR/EIS claims will occur as a result of the HSR must be reduced to account for the additional miles driven by CWD operation and maintenance employees due to the blockage of transportation corridors traditionally used by CWD employees.

550-3

In addition to attending and commenting at HSR public and technical meetings the Chowchilla Water District submitted a Freedom of Information Act request in December of 2010 requesting copies of all documents, communications and correspondence (including electronic email) transmitted between the Federal Railroad Administration and the California High Speed Rail Authority addressing or relating to the route alternatives under consideration for the proposed California High Speed Rail within Madera County and Merced County, California. After ten months, with numerous follow up inquiries by CWD and congressional representatives, the Federal Railroad Administration has failed to provide the requested documents.

The mission of the Chowchilla Water District is to protect, enhance, and manage the surface and groundwater resources of the District in order to meet the present and future water needs of the people and lands within the District through outstanding customer service, commitment to quality, and leadership in

Submission 550 (Doug Welch, Chowchilla Water District, October 11, 2011) - Continued

California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
Page 3

the water resources industry. CWD is gravely concerned about the future effect of California High Speed Rail on our community, water infrastructure, and our agricultural economic base.

550-4

As described above, the California High-Speed Rail Authority Merced to Fresno Draft EIR/EIS fails to address and mitigate the disruptive impacts that the HSR will have on the daily operation and maintenance activities of the Chowchilla Water District. The Chowchilla Water District therefore recommends that the HSR Authority select the 'no build' option.

Sincerely,


Douglas Welch
General Manager

Response to Submission 550 (Doug Welch, Chowchilla Water District, October 11, 2011)

550-1

See MF-Response-WATER-1 and MF-Response-TRAFFIC-2.

550-2

See MF-Response-AQ-4.

550-3

FRA provided a response to the Chowchilla Water District's Freedom of Information Act (FOIA) request, between publication of the Draft EIR/EIS and publication of this Final EIR/EIS. The West Chowchilla Bypass Option was developed as part of the Alternatives Analysis and as a result of that process, the Authority and FRA determined it was a reasonable alternative for further review in the Draft EIR/EIS.

550-4

See MF-Response-GENERAL-1 and MF-Response-GENERAL-14.

Submission 633 (Dan Maddalena, Chowchilla Water District, October 11, 2011)

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Chowchilla Water District

Post Office Box 905 • 327 S. Chowchilla Blvd. • Chowchilla, CA 93610
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Board of Directors

Dan Maddalena • Michael Mandala • Vince Taylor • Kole M. Upton • Mark Wolfshorndl

October 10, 2011

Mr. Roelof van Ark, CEO
California High Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Dear Mr. van Ark,

The Chowchilla Water District wishes to notify your agency of our concerns regarding your plans to build the High Speed Rail through our jurisdiction. Our sole interest is to ensure the water resources within our District are protected and considered in your planning process.

On July 13, 2011, the Chowchilla Water District approved insisting that the California High Speed Rail Authority coordinate this project with our district. It is the responsibility of the Broad to ensure that policies and plans implemented by the High Speed Rail Authority (HSRA) do not detrimentally affect our ability to provide sufficient surface water to the 67,998 acres of irrigated agriculture, 1,350 acres of subdivided residential use, and 10,642 acres of miscellaneous uses such as roads and ponds.

Formed since 1949, our District is organized under Section 34000 of the California Water Code and our boundaries cover approximately 125 square miles, nearly 80,000 acres of irrigated agriculture and residential use. The primary charge of the District is to supply surface water to the landowners of the District.

Although your agency has described the High Speed Rail as "the largest public infrastructure project in the nation," we must insist that you take into account the very real local impacts that will occur to our infrastructure constructed over decades. Our elaborate water system is the vital element and lifeblood for farmers, ranchers and citizens in southern Merced County and northern Madera County on the eastside of the San Joaquin Valley.

Because of this, we request a meeting directly with you as soon as possible. We have the following dates open, November 16 or December 13, 2011. It is critical that you be apprised of the impact our District will face as a result of the proposed alternatives you are advancing so that you have the opportunity to study ways to resolve the conflicts created by your Draft Environmental Impact Statement (DEIS).

California High Speed Rail Authority
October 11, 2011
Page 2

633-1

Our issues must be analyzed in the DEIS so that the public and decision makers have the opportunity to weigh the detrimental impacts to our District, as well as, the environmental impacts. However, since we have never met nor has your agency requested to meet, none of our concerns have been taken into account in the publicly released versions of the draft study documents. Without a face-to-face meeting, you cannot possibly know what these impacts will be to our water system.

633-2

Congress recognized the essential contribution of local governments to the NEPA process at 42 USC 4331(a): "...it is the continuing policy of the Federal Government, in cooperation with State and Local governments, ...to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans." Section (b) of this mandate further requires that the government do this "to improve and coordinate federal plans, functions, programs, and resources...." Coordination must be conducted with local government in order for the Congressional mandate to be properly implemented.

The State of California had this coordination duty enforced in the United States District Court for the Northern District of California. In *California Resources Agency v. US Department of Agriculture* (No. C 08-3884 MHP), the State successfully challenged the U.S. Forest Service's refusal to coordinate four federal forest management plan revisions with the State. The Federal Court ruled in the state's favor and required the Federal Agency to begin the NEPA process over, this time in coordination with the State.

It is our hope that the HSRA can avoid this mistake and will instead work with our District to resolve the conflicts with the project and our plans and policies. To date, the HSRA has not engaged the District on a level or in a manner that would address any of the concerns, conflicts, economic or technical analysis, or any appropriate alternatives as required under NEPA and its regulations.

The District welcomes a meeting with you to begin this deliberative process and apprise you of the conflicts that must be taken into account by your agency. Please let us know which of the meeting dates will work best for you by October 31, 2011. If those dates are not convenient for you and your staff, please call me at 539-665-3747 to arrange a convenient meeting date. We will make the District Board chambers located at 327 S. Chowchilla Blvd., Chowchilla, California, available for these meetings.

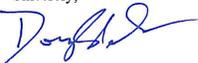
For your convenience, you may contact me at the following email address:
dwelch@cwdwater.com.

We look forward to meeting with you and your staff to begin coordinating on this project.

Submission 633 (Dan Maddalena, Chowchilla Water District, October 11, 2011) - Continued

California High Speed Rail Authority
October 11, 2011
Page 3

Sincerely,


For Dan Maddalena
President

cc Federal Railroad Administration
Department of Transportation, Secretary
U.S. Congressman Jeff Denham

Response to Submission 633 (Dan Maddalena, Chowchilla Water District, October 11, 2011)

633-1

Technical Working Group meetings, which the Chowchilla Water District took part in, were conducted for the purpose of collecting input from local agencies. The Authority will continue to coordinate and meet with agencies as design continues.

633-2

See MF-Response-GENERAL-7 and MF-Response-GENERAL-17.

Submission 335 (Kole Upton, Chowchilla Water District/Preserve Our Heritage, September 14, 2011)

Written Comments submitted at the Merced hearing for the Merced to Fresno HST Draft EIR on Sept. 14, 2011 in addition to oral testimony of:

Kole Upton
P.O. Box 575
Chowchilla, CA. 93610

On behalf of my family who farms in southern Merced County, the following is submitted:

335-1

1. A copy of the letter submitted to the CHSRA by the J.G. Boswell Company requesting an extension of the comment period for the Draft EIR for at least six months. In addition, on behalf of two organizations of which I am a director, the Chowchilla Water District, and Preserve Our Heritage also support the request.

335-2

2. A copy of a Freedom of Information Act (FOIA) request dated December 3, 2010 to the Federal Railroad Administration. Despite the fact nine months have elapsed and both Congressmen Cardoza and Denham have requested the information be provided, we still have received nothing.

This information is required for the District to be able to participate in these discussions. When the West Chowchilla Bypass Option was presented as an option despite the unanimous opposition of every public agency with jurisdiction in the area, we were told that FRA had directed CHSRA to consider that route.

335-3

3. Page 2-21 of the 2.0 Alternatives section of the Draft EIR. The fourth paragraph (highlighted) down starts our, "The Hybrid Alternative also follows transportation corridors".

That is an outright falsehood! The West Chowchilla Bypass Option is part of the Hybrid Alternative and in Merced County it does NOT follow any transportation corridor, county easement, rabbit trail, or anything else. It goes thorough cultivated fields and destroys water district and farmer water facilities essential to continued production of several thousand acres.

Signed:  Kole Upton

Robert M. Elwood*
Robert W. Gin*
Randy L. Edwards
Jim D. Lee
Jeffrey L. LeVasseur*
Raymond L. Carlson
Ty N. Mizelle*
Michael R. Johnson*
Steven S. Dias
Robin M. Hall
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Laura A. Wolfe
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Michael E. LaSalle
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Steven W. Cobb
(1947-1993)

September 8, 2011

VIA UPS NEXT DAY AIR SAVER
TRACKING NO. 1Z F74 78R 13 9995 0584

Board of Directors
CALIFORNIA HIGH SPEED RAIL AUTHORITY
770 L Street, Suite 800
Sacramento, CA 95814-3359

Re: Extension of Draft EIR/EIS Comment Period - Fresno to Bakersfield HSR
SCH # 2009091126

Dear Chairman and Members of the Board:

This letter is submitted on behalf of J.G. Boswell Company. The purpose of this letter is to request an extension of the comment period on the above Draft EIR/EIS for at least 6 months, through mid-February 2012.

The existing comment period is grossly inadequate and denies due process to those seeking to comment on the EIR/EIS. The initial 45 day comment period, later extended only 15 additional days to October 13, 2011, is plainly insufficient to allow any meaningful comment on 17,000 pages of documents.¹ See Appendix A for list of documents and page lengths. The 17,000 page total does not include any documents for the Merced to Fresno segment (SCH # 2009091125), which would bring the total to over 30,000.

The EIR/EIS is not user friendly. For example, Chapter 10 of the EIR/EIS lists 831 sources that are referenced in the report. In instances noted so far, these sources are referenced without internal citations, requiring the reviewer/commenter to obtain the document, review it, and make a judgment as to which part was intended to support the citation in the EIR/EIS. This lack of

¹It also appears the EIR/EIS and supporting documents are available in English only.

Submission 335 (Kole Upton, Chowchilla Water District/Preserve Our Heritage, September 14, 2011) - Continued

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CALIFORNIA HIGH SPEED
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September 8, 2011
Page 2

specific citations makes it difficult to determine whether a statement made in the EIR/EIS is supported by substantial evidence.

Due to the requirements of CEQA,² meaningful public comment is the key phase of the CEQA public review process. The CEQA process becomes a sham without it, and results in a denial of due process.

In 2004 the Authority released the Draft Program EIR/EIS for the Proposed California High-Speed Train System (SCH # 2001042045). The State Clearinghouse set a review period of February 13, 2004 to August 31, 2004, or 6 1/2 months, for this Program EIR/EIS. It neither makes sense, nor is there any good reason, why the review period for the Program EIR/EIS was more than 6 1/2 months while the review period for the much more detailed Project specific EIR/EIS is only 2 months.

In view of the above, we believe that at least a 180 day comment period is required, ending mid-February 2012 as measured from August 15, 2011. This matter requires Board, rather than administrative, attention, and, accordingly, we request this matter be placed on the agenda for a special meeting at the Board's earliest convenience. As the Board's next regularly scheduled meeting is not until September 22, 2011, the urgency of this issue demands it be dealt with before then.

We understand that the EIR/EIS was released on August 9, 2011. The original comment period was for 45 days, beginning August 15, 2011 and ending September 28, 2011. This time limit was apparently set by staff without Board involvement. The 45 day period is the minimum under CEQA Guidelines § 15105(a). This time period makes no allowance for the unparalleled scope of the project.

At the August 25, 2011 Board meeting, a petition signed by about 300 Kings County residents was submitted by Hanford-area farmer Frank Oliveira on behalf of the Citizens for California High Speed Rail Accountability (CCHSRA). These citizens asked for a 45 day extension, making for a total of a 90 day review and comment period. The request was not on the Board's meeting agenda, but staff did grant an additional 15 days to the original 45 day comment period for a total of 60 days. The comment period now ends October 13, 2011 which corresponds to the end date of the State Clearinghouse (SCH) review period.

²All statutory references to CEQA are to Public Resources Code §§ 21000 et. seq. CEQA's implementing regulations are known as the "CEQA Guidelines" and are set forth at 14 Cal. Code Regs. §§ 15000 et seq., and are referred to as "CEQA Guidelines § ____" or as "Guidelines § ____."

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The High Speed Rail (HSR) project is the largest and most expensive infrastructure project in the history of the State of California and even its component parts -- the Fresno to Bakersfield segment, or the Merced to Fresno segment, -- could fairly be estimated to be the largest infrastructure projects in State history, and certainly in the history of the San Joaquin Valley.

As stated above, the EIR/EIS for the Fresno to Bakersfield segment, select supporting documents, and technical data available at the Fresno-Bakersfield EIR/EIS web page consist of 17,000 pages (See Appendix A). Not all the documents referenced in the EIR/EIS are available at that web page. If one includes the EIR/EIS and related documents for the Merced to Fresno segment, the total pages to be reviewed approaches 30,000 or more. The sheer volume of material necessitates a significant extension of the review and comment period. Two basic reasons support the extension; these reasons are explained below.

I. THE SIXTY DAY REVIEW PERIOD FAILS TO MEET CEQA REQUIREMENTS BECAUSE IT FAILS TO PROVIDE AN "ADEQUATE TIME" TO REVIEW THE MASS OF MATERIAL ONLY LATELY RELEASED FOR PUBLIC REVIEW AND COMMENT.

CEQA Guidelines § 15203 states:

"The lead agency *shall* provide **adequate time** for other public agencies *and members of the public to review and comment* on the draft EIR or negative declaration that it has prepared." (Emphasis added.)

Adequate time is required not only because "Public participation is an essential part of the CEQA process" (CEQA Guidelines § 15201), but because the Legislature has declared that the purposes of the review period include:

- (a) Sharing expertise;
- (b) Disclosing agency analysis;
- (c) Checking for accuracy;
- (d) Detecting omissions;
- (e) Discovering public concerns; and
- (f) Soliciting counter proposals.

CEQA Guidelines § 15200.

Submission 335 (Kole Upton, Chowchilla Water District/Preserve Our Heritage, September 14, 2011) - Continued

Board of Directors
CALIFORNIA HIGH SPEED
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The Legislature has declared:

"The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern." Pub. Res. Code § 21000(a).

And:

"Every citizen has a responsibility to contribute to the preservation and enhancement of the environment." Pub. Res. Code § 21000(e).

There can be no question that CEQA and the CEQA Guidelines were developed to allow the public every possible opportunity to meaningfully participate in the EIR/EIS process.

Given the mere 60 day review period, none of the purposes of EIR/EIS review and comment can be served, for the following two major reasons:

1. **The time for review that the Authority has chosen does not allow the public "adequate time" for public review and comment, as required by CEQA Guidelines § 15203. To examine some 17,000 pages within 60 days requires a person to read 283 pages per day and no time to prepare responsive comments. The initial review period of 45 days was simply more egregious and required 378 pages per day to be read.**

In comparison, a 45 day EIR review and comment period was recently used for an ordinance by the City of Sunnyvale to prohibit single use plastic bags at grocery stores. (See City of Sunnyvale Single-Use Carryout Bag Ordinance Draft EIR, SCH #2011062032 August 2011). That EIR consisted of 210 pages which amounts to reviewing 4.6 pages per day. The High Speed Rail Authority (Authority) expects 61 times more effort per day just to read the mass of CEQA documentation for the Fresno to Bakersfield HSR project.³ Such an expectation is unrealistic, unfair, and does not meet the requirement of CEQA to have adequate review period. At the "plastic bag ordinance" rate of 5 pages per day, the review period for the 16,953 pages of the Fresno-Bakersfield HSR EIR/EIS would be 3,391 days or about 9.3 years (16,953 pages x day/5 pages = 3,391 days x 1 year/365 days = 9.289 years).

These simple metrics, of course, in no way imply that the Fresno-Bakersfield HSR project is in any way comparable to Sunnyvale's plastic bag ordinance project. The former is an infinitely

³Also this does not include the EIR/EIS for the Merced-Fresno segment.

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Page 5

more complex project proposing vast, irreversible commitments of public and private resources on the largest scale in the history of the San Joaquin Valley.

Persons who wish to comment and share their expertise, provide analysis, check for accuracy, voice their concerns, and prepare counter proposals will never be able to do so because they will never be able to review all the documents and comment in a mere 60 days.

2. **While the regulations typically allow for a 45 to 60 day comment period, the regulations also allow that time to be exceeded, without the need to otherwise stop the project, in "unusual circumstances." CEQA Guidelines § 15105(a). The HSR certainly qualifies as an unusual circumstance. In no way can the HSR project be compared to other projects in the history of the State of California and the San Joaquin Valley. Therefore, the 60 day period must be extended.**

The Legislature has declared:

"... it is the policy of the state that projects to be carried out by public agencies be subject to the same level of review and consideration [under CEQA] as that of private projects required to be approved by public agencies." Pub. Res. Code § 21001.1.

A private company would never be allowed to undertake a project of this magnitude and be subject to a mere 60 day review period. Given the scope of the project, it is difficult to imagine that there could be a more "unusual circumstance" that would allow the typical comment period to be extended.

The "unusual circumstances" provision of CEQA Guidelines § 15105(a) gives the lead agency the necessary flexibility to set the comment period consistent with the meaningful public participation and due process goals of CEQA. This flexibility eliminates the absurdity of a "one size fits all" rule which would provide equal 45 day review and comment periods to the Sunnyvale plastic bag ordinance and the Fresno to Bakersfield HSR project. Nor must we omit that the review and comment period for the Merced to Fresno Draft EIR/EIS runs concurrently, compounding the insufficiency of the allotted time.

The Legislature has also declared that it is the policy of the state that:

"Documents prepared pursuant to [EIR requirements] be organized and in a manner that will be meaningful and useful to decisionmakers and to the public." CEQA Guidelines § 21003.

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Given the sheer volume of the documentation, in order to make the documents "meaningful and useful" there must be adequate time to review them. With only 60 days, neither the decisionmakers nor the public can make the determination of whether the EIR/EIS documents satisfy that criteria because there is insufficient time to do so.

The Authority claims transparency in its proceedings but this claim rings hollow at this crucial juncture. The Authority's "Environmental Review Fact Sheet" states:

"The California High-Speed Rail Authority (CHSRA) and the Federal Railroad Administration (FRA) are the state and federal agencies responsible for the environmental review of the state's high-speed train system, and together they have implemented a more transparent, collaborative and inclusive approach to the EIR/EIS process than is typical or required, with state and local planning agencies, local communities and the general public integrated into the entire process." (Emphasis added.)

This statement is not true as to meaningful public participation and satisfaction of due process. The key point in the CEQA process is at hand and the 60 days allotted to review and comment on 17,000 pages of material for the Fresno to Bakersfield segment stacks the deck against the commenting parties. The point is exacerbated when the additional thousands of pages for the Merced to Fresno EIR/EIS are added.

II. THE SIXTY DAY REVIEW PERIOD DENIES DUE PROCESS TO INTERESTED PARTIES DUE TO THE LENGTH AND COMPLEXITY OF THE ENVIRONMENTAL DOCUMENTS FOR THE FRESNO-BAKERSFIELD HSR.

Any review period less than six months raises serious constitutional issues. The public is entitled by statute and regulation to have a meaningful review. By only allowing 60 days to review 17,000 pages of documents associated with the Fresno to Bakersfield EIR/EIS, the Authority has essentially made the public review meaningless. The Legislature has allowed the public to participate in the CEQA process as a participant and not just a spectator. By bombarding the public with documents without any hope for a complete review, the Authority has put the public on the sidelines, and due process will be violated should there be no extension.

Rights granted by CEQA must allow the public to have a meaningful review because the Legislature has recognized that "Every citizen has a responsibility to contribute to the preservation and enhancement of the environment." Pub. Res. Code § 21000(e).

CEQA was enacted in 1970 and provides a detailed process for public review. It is a "powerful tool for citizen action and government accountability." Note, The Timber Harvest Plan

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Exemption from the California Environmental Quality Act: Due Process and Statutory Intent, 41 Hastings L.J. 727, 730 (1990). In fact, the purpose of the EIR/EIS is:

"... to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project." Pub. Res. Code § 21061.

Courts have called the EIR/EIS an "environmental 'alarm bell' whose purpose is to alert the public and its responsible officials to environmental changes *before* they have reached ecological points of no return." *Santiago County Water District v. County of Orange*, 118 Cal.App.3d 818, 822 (1981). To accomplish this purpose, CEQA statutes and regulations require that the public be made part of the process, including:

- Comments be accepted by the public at anytime during the EIR/EIS process (Pub. Res. Code § 21003.1(a));
- The lead agency **must** respond, in writing, to all comments received during the comment period (Pub. Res. Code § 21004);
- Relevant information should be made available as soon as possible to the public (Pub. Res. Code § 21003.1(b));
- Notice must be given to all those who have requested such when the draft EIR/EIS is complete (Pub. Res. Code § 21092);
- Draft EIR/EIS documents should be made available in local libraries (CEQA Guidelines § 15087(g));⁴
- The Public agency must publish notice in a paper of general circulation in the area of the proposed project (CEQA Guidelines § 15087(a));
- Public hearings on the documents are encouraged (CEQA Guidelines § 15087(i)); and

⁴Note that the Technical Appendices to the EIR/EIS, listed as nos. 4-43 on Appendix A, were not made available at local libraries. This is important because the appendices are referenced throughout the EIR/EIS.

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- **An adequate public review period is required and can be extended in unusual circumstances** (CEQA Guidelines § 15105) (emphasis added).

CEQA regulations take public participation so seriously that the process provides grounds upon which judicial review of the project may be obtained. CEQA Guidelines § 15112.

Because public review and participation is expressly granted by statute and regulation, any review period less than six months raises serious constitutional issues under the circumstances. The public is entitled by statute and regulation to have a meaningful review. By only allowing 60 days to review some 17,000 pages of documents associated with the EIR/EIS, the Authority has essentially made the public review meaningless. The Legislature intends for the public to participate in the CEQA process in a meaningful way; in this case, requiring sufficient and adequate time for review. By releasing to the public a large quantity of documents without any hope for a complete much less a meaningful review, the Authority has made the public a spectator, and due process will be violated should there be no significant extension of time to review and comment on the documents.

1. **State Constitutional Issues**

The CEQA statutes and regulations, as applied, violate California Due Process requirements because the Authority has failed to provide adequate time for EIR/EIS review. In order to remedy the as applied violation, sufficient time to review the EIR/EIS must be granted.

Due process safeguards in this context are analyzed with the principle in mind that all should be free from arbitrary adjudicative procedures. *People v. Ramirez*, 25 Cal.3d 260, 268 (1979). A fundamental concept of due process is "the right to a reasoned explanation of government conduct that is contrary to the expectations the government has created by conferring a special status upon an individual." *Id.* at 276. Here, CEQA statutes and regulations confer a special status on the public by requiring meaningful review; yet the Authority has taken away that right by imposing an unreasonable review period, and providing no explanation therefor.

To determine the level of due process required, courts examine:

1. The private interest that will be affected by the official action;
2. The risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards;
3. The dignitary interest in informing individuals of the nature, grounds and consequences of the action and in enabling them to present their side of the story before a responsible governmental official; and

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4. The governmental interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. *Id.* at 269.

The private interest here is compelling; CEQA statutes and regulations mandate that the public be allowed meaningful and adequate review of the EIR/EIS. In this respect, the Legislature has already determined that the public has a significant interest in proper review.

The risk that the private interest will be erroneously deprived is high; in fact it is happening. Although the regulations allow the Authority to declare the most expansive and expensive infrastructure project in the history of California an "unusual circumstance" and provide additional time for public review and comment, the Authority has (so far) failed to do so and without any explanation. In addition, as the Authority is well aware, the review period ends the time that individuals may comment and preserve issues that must be on the record for judicial review. By completing the review period before it is possible for stakeholders to read the documents and provide comments, the Authority is also precluding meaningful review following the final EIR/EIS being issued. Rigid adherence to the 45 or 60 day periods mentioned in Guidelines § 15105(a) therefore guarantees denial of due process for projects of the scope of this EIR/EIS.

The dignity interest weighs heavily in favor of an extension of time. It is inconceivable that the public could be charged with reading and commenting on the EIR/EIS, only to find out that it is impossible to do so because there is insufficient time to read the documents in this case.

Finally, the governmental interest in providing additional time is identical to the private interests. The Legislature has already made this determination by stating that the public is entitled to meaningful and adequate review, and putting in place an entire scheme to ensure such review occurs. The government has a significant interest in ensuring that its own statutes and regulations are followed, especially when no fiscal or administrative burdens are involved beyond the passage of time.

As the Federal Railroad Administration is the lead Federal agency designated on the HSR project, the purpose and requirements of the National Environmental Policy Act (NEPA) are also at issue. The purpose of NEPA review corresponds to CEQA review. Congress has declared, "... it is the continuing policy of the federal Government, ... in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance ... to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans." (42 U.S.C. § 4331). Therefore the purposes of NEPA also support the extension requested herein.

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2. Federal Constitutional Issues

Due process under the federal constitution requires that an entitlement exist under state law. There can be no question that the Legislature has entitled the public to a meaningful and adequate review of the EIR/EIS documents through the CEQA statutes and regulations. It is merely a question of what process is due.

Pursuant to Mathews v. Eldridge, 424 U.S. 319 (1976), to determine what process is due, the state should look at the private interests involved, the risk of an erroneous deprivation and value of additional safeguards, as well as the governmental interest.

Again, the public's interest is high; the public is entitled to a proper review under CEQA but such a review cannot be met in such a short and arbitrary time frame currently established by the Authority. Denial of that proper review, in turn, prejudices the rights of potential litigants who are subject to the exhaustion doctrine. Denial of adequate, proper, and meaningful review stacks the deck in favor of the project proponent, who here is also the reviewing agency. This conflict of interest between the duty of full, objective CEQA review and support of the HSR project is clearly brought out by the denial of a meaningful adequate public review and comment period.

The risk that rights may be erroneously deprived is high. By the Authority arbitrarily setting the review period in this circumstance such that it is impossible for the public to respond, a deprivation is not only possible, but is a certainty where no due process was given in setting the initial review period. As the Authority knows, EIR/EIS challenges must be made on comments lodged during the review period. What the Authority has done is present to the public a large volume of documents such that there is no possibility for all necessary comments to be included in the record, effectively precluding a proper legal challenge to the EIR/EIS documents following a finalization of those documents, and denying access to the courts.

Finally, the governmental interest, as under the state due process requirements, is in concurrence with the private interest. Again, the Legislature has already made this determination by stating that the public is entitled to meaningful and adequate review, and putting in place an entire scheme to ensure such review occurs. The government has a significant legitimacy interest in ensuring that its own statutes are followed, especially when no fiscal or administrative burdens are involved.

Here, there has been no due process as to the setting of this review period. The setting of this review period for the same length for a local ordinance reflecting plastic bag usage, without an explanation or an opportunity to be heard and challenge the determination, violates the Fourteenth Amendment of the United States Constitution, as well as the California Constitution. As has been said many times, the fundamental requisite of due process of law is the opportunity to be heard, and

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that right has little reality or worth unless the public is informed and can choose for itself whether to participate. Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 314 (1950). In this case, the public cannot know, and can never know under the limited review period what position and comments it should make relating to the EIR/EIS, had it been afforded an adequate review period.

"Due process is flexible and calls for such procedural protections as the particular situation demands." Mathews v. Eldridge, 424 U.S. 319, 334. In this situation, due process calls for a reasonable number of days to review the EIR/EIS and supporting documents. We ask for at least a 180 day review period, for all the reasons stated.

Very truly yours,

GRISWOLD, LaSALLE, COBB,
DOWD & GRN, L.L.P.

By: 
ROBERT M. DOWD

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APPENDIX A
 LIST OF REPORTS
 COMPRISING FRESNO TO BAKERSFIELD
 DRAFT EIR/EIS
 AND SUPPORTING DOCUMENTS

Below is a list of the documents posted at the HSRA web page for the Fresno to Bakersfield EIR/EIS (nos.1-3) and related documents (nos. 4-43), with their page counts. The purpose of the compilation is to show the inequity and lack of due process afforded by the 60 day public review and comment period. Note that item nos. 4 through 43 are posted at the HSRA web page for the Fresno to Bakersfield EIR/EIS and are referred to in the EIR/EIS. However, items nos. 4-43 are not included in the EIR/EIS and are not provided on the EIR/EIS cds given out by the HSRA office in Hanford. Also, items nos. 4-43 are not available with the hard copy EIR/EIS available for public review at the HSRA office in Hanford and at the Kings County Library in Hanford.

1.	EIR/EIS Volume I	1,556
2.	EIR/EIS Volume II	804
3.	EIR/EIS Volume III	940
4.	Transportation Analysis Technical Report Draft 8/11	242
5.	Figures for Chapters 4 and 5 above	199
6.	Appendix A Traffic Counts Data	537
7.	Appendix B Existing Synchro Output	423
8.	Appendices C through E, Future Assumed Improvements et al.	833
9.	Appendices F through I, Future Plus Project Synchro Output et al.	929
10.	Air Quality Technical Report Draft 8/11	168
11.	Air Quality Technical Report Appendix A Construction Emissions	713
12.	Noise and Vibration Technical Report 7/11	424
13.	Hydrology and Water Quality Technical Report 8/11	158
14.	Geology, Soils, and Seismicity Technical Report 7/11	92
15.	Hazardous Wastes and Materials Technical Report 8/11	188
16.	Appendix A Regulatory Database Search Report	4,287
17.	Appendix B PEC Site Summaries w/ Sanborn Map Review	10
18.	Appendix C Historic Topo Maps	168
19.	Appendix C Sanborn Fire Insurance Maps Part 1 of 4	61
20.	Appendix C Sanborn Fire Insurance Maps Part 2 of 4	61
21.	Appendix C Sanborn Fire Insurance Maps Part 3 of 4 (Pt. 4 beg. P. 62)	107
22.	Appendix D Site Reconnaissance, Field Notes, Photographs and Photo Logs Part I	482
23.	Appendix D Site Reconnaissance, Field Notes, Photographs and Photo Logs Part II	344
24.	Community Impact Assessment Technical Report 7/11	578

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25.	Aesthetics and Visual Resources Technical Report 7/11	218
26.	Preliminary Jurisdictional Waters and Wetlands Delineation Report Text Volume 1 of 4	128
27.	Preliminary Jurisdictional Waters and Wetlands Delineation Report Appendices A through G, I and J, Volume 2 of 4	264
28.	Preliminary Jurisdictional Waters and Wetlands Delineation Report Appendix H Special Aquatic Resources Survey Results Figures, Volume 3 of 4	528
29.	Potential Jurisdictional Status of Aquatic Features in the Wetland Study Area Volume 4 of 4 6/11	52
30.	Checkpoint A	28
31.	Checkpoint A Letter 12/22/10	2
32.	Checkpoint B Summary Report 3/11	112
33.	Checkpoint B Appendix D Clean Water Act Section 404 Applicability Criteria, Union Pacific Railroad Alignment Alternative 3/11	138
34.	Checkpoint B Appendix E Summary Presentation of Environmental Resources and Constraints for the BNSF, UPRR and BNSF Avoidance Alternative Alignments 3/11	92
35.	Checkpoint B Appendix E-1a BNSF Alternative Alignment	262
36.	Checkpoint B Appendix E-1b UPRR Alternative Alignment	260
37.	Checkpoint B Appendix E-1c 3/11	260
38.	Checkpoint B Appendix E-2a Sheets 1-7	7
39.	Checkpoint B Appendix E-2b Sheets 1-7	7
40.	Checkpoint B Appendix E-2c Sheets 1-7	7
41.	Checkpoint B Letter 4/21/11	62
42.	Checkpoint B Letter 6/2/11	24
43.	Capital Cost Estimate Report 7/11	198
44.	TOTAL PAGES	16,953

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Chowchilla Water District

Post Office Box 905 ♦ 327 S. Chowchilla Blvd. ♦ Chowchilla, CA 93610
Phone (559) 663-3747 ♦ Fax (559) 665-3740 ♦ Email dwelch@cwtdwater.com

Board of Directors

Dan Maddalena ♦ Michael Mandala ♦ Vince Taylor ♦ Kole M. Upton ♦ Mark Wolfshornal

December 3, 2010

Freedom of Information Act Coordinator
Office of Chief Counsel
Federal Railroad Administration
1200 New Jersey Avenue, Stop 10
Washington, D.C. 20590

Subject: FOIA Request

To whom it may concern:

As provided in the Freedom of Information Act (FOIA), the Chowchilla Water District (the "District") requests a copy of all documents, communications and correspondence (including electronic email) transmitted between the Federal Railroad Administration and the California High Speed Rail Authority addressing or relating to the route alternatives under consideration for the proposed California High Speed Rail within Madera County and Merced County, California.

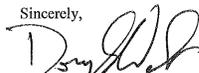
The District is a water district organized under the California Water District Law, codified by California Water Code section 34000 *et seq.*, and serves a portion of northern Madera County and southern Merced County consisting of about 85,000 acres. As such, it is a non-profit governmental entity.

The District requests that the fees be waived for this FOIA request. The District will use the documents provided under this FOIA request to better inform its Board of Directors and the general public it serves of the correspondence between the Federal Railroad Administration and the California High Speed Rail Authority in regards to the selection of the various route alternatives evaluated by the California High Speed Rail Authority.

If the request for waiver of fees is denied, the District is prepared to reimburse fees up to a maximum of \$2,000 dollars.

The contact person for this FOIA request is Douglas Welch. His contact information can be found in the letterhead above.

Sincerely,


Douglas Welch
General Manager

CALIFORNIA HIGH-SPEED TRAIN PROJECT EIR/EIS
MERCED TO FRESNO SECTION

2.0 ALTERNATIVES

The two alternatives identified to be carried forward for further study in the Preliminary Alternatives Analysis are the UPRR/SR99 and the BNSF alternatives. Later, during the Supplemental Alternatives Analysis, the Authority developed a "Hybrid Alternative" to take better advantage of existing transportation corridors, while reducing impacts on Chowchilla and Downtown Madera. This alternative also has been carried forward for further analysis.

The UPRR/SR 99 Alternative (A2) was found to optimize travel time and minimize environmental impacts at the cost of a more elevated profile and potentially more community impacts than the other alternatives.

The BNSF Alternative did not perform as well as the UPRR/SR 99 Alternative in terms of travel time performance and resulted in higher impacts on the natural and residential environment. However, the BNSF Alternative does provide an alternative to the UPRR/SR 99 Alternative that meets the project purpose and need while also adhering to all the project objectives. This alternative's more distant location from several community centers allows the alternative to remain at-grade for most of its distance and to have a lower level of impact on commercial centers compared to the UPRR/SR 99 Alternative.

The Hybrid Alternative also follows transportation corridors but avoids most communities between Merced and Fresno. The Supplemental Alternatives Analysis incorporated this alternative along with the screening of the proposals for an HMF within the Merced to Fresno Section in August 2010. The fundamental requirements for the HMF are defined by two Authority Technical Memoranda: TM 5.1, Terminal and HMF Guidelines, and TM 5.3, Facilities Requirements Summary (Authority 2009c,d). In November 2009, based on the specific site and facility requirements, the Authority solicited Expressions of Interest (EOIs) from parties between Merced and Bakersfield that could provide proposals for sites where the HMF could be located.

The Merced to Fresno Section of the HST system received eight proposals as shown on Figure 2-19. Five of these sites were carried forward for further analysis in the EIR/EIS, as listed below.

- Castle Commerce Center
- Harris-DeJager
- Fagundes
- Gordon-Shaw
- Kojima Development

Three sites were dismissed from further consideration and were not carried forward into the EIR/EIS. The Mission proposal from Merced was removed due to engineering feasibility constraints, whereas the Harris-Kwan and Harris proposals were eliminated because they required upwards of five additional miles of HST track to access the sites from current HST alternatives under consideration.

More detailed information on potential alternatives preliminarily considered, but not carried forward for full evaluation in the EIR/EIS, can be found in the Preliminary Alternatives Analysis Report, Merced to Fresno Section High-Speed Train Project EIR/EIS and the Supplemental Alternatives Analysis Report, Merced to Fresno Section High-Speed Train Project EIR/EIS (Authority and FRA 2010b,c), as well as the Checkpoint B Summary Report and attachments (Authority and FRA 2011b), available at www.calhighspeedrail.ca.gov.

Although the SR 152 connection to the San Jose to Merced Section was originally eliminated from detailed study, it was subsequently carried forward for evaluation in the San Jose to Merced Section Project EIR/EIS (Authority and FRA 2011a) based on additional input from regulatory agencies (EPA and USACE). Design refinements to this connection would avoid many of the impacts that led to its original dismissal from consideration. The Authority developed the SR 152 Wye with connections to all three north-south alignment alternatives (see Figure 2-20) to a conceptual-level alignment to be consistent with Caltrans planning, the SR 152 Freeway Agreement, and HST engineering criteria. The three wye configurations are evaluated and compared in the SR 152 Alternatives Analysis (available on the Authority's website at www.calhighspeedrail.ca.gov). This Merced to Fresno Section EIR/EIS does not

Response to Submission 335 (Kole Upton, Chowchilla Water District/Preserve Our Heritage, September 14, 2011)

335-1

See MF-Response-GENERAL-7,

335-2

FRA provided a response to the Chowchilla Water District's Freedom of Information Act (FOIA) request, between publication of the Draft EIR/EIS and publication of this Final EIR/EIS. The West Chowchilla Bypass Option was developed as part of the Alternatives Analysis and as a result of that process, the Authority and FRA determined it was a reasonable alternative for further review in the Draft EIR/EIS.

335-3

See MF-Response-GENERAL-2 and the responses to comment #2007.

Submission 456 (David Alexander, City of Chowchilla, October 3, 2011)



September 29, 2011

California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

Dear Board Members:

The City of Chowchilla takes this opportunity to comment on the California High Speed Train Project Draft EIR/EIS for the Merced to Fresno Section. The City has spent substantial resources reviewing the alternative routes proposed by the California High Speed Rail Authority and Federal Railroad Administration for the Merced to Fresno Section and the San Jose to Central Valley Section. Based on the City's evaluation of potential environmental impacts, overall performance of the system, and minimizing impacts to rural communities, the City of Chowchilla supports the A-1 and Avenue 21 alternative.

The California High Speed Rail Authority (Authority) and Federal Railroad Administration (FRA) completed a Program EIR/EIS evaluating alternative routes in the Central Valley in 2005 followed by a subsequent Program EIR/EIS in 2008 which discussed the route between the Bay Area and Central Valley via Pacheco Pass (later revised in 2010). California voters approved funding for the California High Speed Rail Project in Proposition 1A in 2008 based on what they thought they knew about the proposed project.

Bolstered by its understanding of CHSRA Board Resolution 05-01 (November 2, 2005) which certified the Program EIR for the High Speed Train System and clearly approved the alignment of the BNSF (A-1) alignment in Madera County, Chowchilla continued to support the HSR. Chowchilla relied on the Program EIR/EIS that informed us of support for the BNSF alignment. "Throughout the corridor the UP alignment passes through more urban areas and would require more aerial structures, thereby increasing adverse impacts to communities and construction costs. Both the UP and BNSF have freight activity; however, the UP serves more local industries adjacent to the corridor that the HSR alignment would have to avoid. The HSR would typically accomplish this by using aerial structures to fly over the local freight tracks which would add cost and cause additional adverse community impacts. The BNSF alignment traverses a more rural setting, would require fewer aerial structures, and would cause fewer impacts to Central Valley communities."

"A great advantage of the BNSF alignment is that much of the HSR system could be constructed at-grade such that the freight track would be grade separated along with the adjacent HSR tracks. This would benefit freight services and communities by reducing noise (due to the elimination of horn and gate noise from existing services), providing improved safety, freeing automobile traffic, and improving air quality through reduced congestion." (2005 Program EIR Ch. 6a pg. 6A-10)

Incongruent Environmental Process and Unstable Project Description

Chowchilla became growingly skeptical of the CHSRA's environmental process when in 2008 the subsequent Program EIR for the Bay Area to Central Valley clarified the routes from San Jose to Merced, but left open the exact route through Chowchilla and which north-south alternative the CHSRA Board would select. The courts mandated the subsequent Program EIR for the San Jose-Merced Section because of the UP issue south of San Jose and not any confusion in the San Joaquin Valley. Besides separating the analysis between the two routes that are dependent on one another, this environmental analysis approach has led to the inevitable confusion and inconsistencies faced today in documents that are intended to present information upon which the

Submission 456 (David Alexander, City of Chowchilla, October 3, 2011) - Continued

456-2

CHSRA Board will make a decision. Chowchilla is unique among communities affected by the HSR and in the unenviable position of being the only location in the state where two routes meet. Chowchilla finds little clarity and consistency in the environmental process that is required to meet Federal and State laws. This is a major inadequacy in the EIR/EIS.

It is with great concern that Chowchilla is unable to track the fractured decision-making with regard to movement away from the "preferred route" in the Program EIR to the Project EIR for the Merced to Fresno Route. The CHSRA Board, by resolution, certified the Program EIR/EIS declared the "preferred route" to be the BNSF alignment; but in the Draft Project EIR/EIS Ch. 6 where it states "In 2008, EPA and USACE concurred that the preferred network alternative was most likely to contain the LEDPA. In the Central Valley, the Authority selected the UPRR/SR 99 corridor as part of the preferred network alternative, but recommended continued study of the BNSF corridor."(page 6-2). How, when, and where did the CHSRA make that decision and how did the Authority notify the public that such a decision was being considered? There is a major inconsistency between the Program EIR/EIS, Subsequent Program EIR/EIS, and the Project Level EIR/EIS.

Chowchilla has participated in the Technical Working Groups, Public Workshop meetings, local discussions, and has testified before the CHSRA Board. The City of Chowchilla has spent tens of thousands of dollars attending meetings and providing information to HSR consultants from 2008 continuing into 2011. To what end? Only to find out in the Project EIR/EIS that the HSR made a decision in 2008 that UPRR (A-2 alternative) was the preferred alternative.

It now makes sense that the Revised Program EIR/EIS for the San Jose to Merced section (that the Board certified) shows on its maps and in its text that the UPRR (A-2 alternative) is the point of connection for their section. The HSR Board must have made a decision during the preparation of the Revised Program EIR/EIS.

Chowchilla's concerns were consistently raised at meetings with HSR consultants (from 2008 to the present) and clearly showed up as Issues Raised During the Scoping

3

456-2

Process but not carried forward in the analysis contained in the Draft EIR/EIS for the Merced to Fresno Section. There is no tracking or mention to the reader how they can find where the issues raised were evaluated or how those issues were analyzed. Section 15123 of the CEQA Guidelines states: "(a) An EIR shall contain a brief summary of the proposed actions and its consequences. The language of the summary should be as clear and simple as reasonably practical. (b) The summary shall identify...(2) Areas of controversy known to the Lead Agency including issues raised by agencies and the public..."

The comments contained herein provide evidence that the required data and the quantitative and/or qualitative analysis used in the Draft EIR did not address these concerns in a comprehensive and complete manner and to the level of clarity that is required by the CEQA Guidelines. There appears to be a lack of reasoned good faith analysis as to the project-specific and cumulative impacts and lack of reasonable mitigation measures in the Draft EIR in compliance with the CEQA Guidelines. This is a major inadequacy in the EIR/EIS.

Such inconsistencies, disconnects, and piecemealing are exactly the reason why the courts have criticized EIRs and State Legislature included in the CEQA regulations found in Public Resources Code § 21065, "a project is defined as the whole of an action, which has a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment...". CEQA defines "piecemealing" as environmental review of a project in stages where a public agency has not taken the whole of an action into consideration. The Merced to Fresno section EIR/EIS cannot permissibly allow the San Jose to Merced section EIR/EIS to continue to analyze and provide for mitigation at a later stage in the decision-making process as intended by Merced to Fresno section EIR/EIS.

The decision-making process is further confused in this EIR/EIS by the stated intent of the CHSRA Board on page 6-1 "The Authority and FRA will consider both the Merced to Fresno HSR Final EIR/EIS and the Fresno to Bakersfield Final EIR/EIS and select a preferred HMF alternative." This statement does not include the San Jose to Merced

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section EIR/EIS to which additional information to support a decision is theoretically contained in the piecemealing effort.

The CHRSA made the choice to prepare a Program level EIR/EIS first and then a Project level EIR/EIS. A subsequent project-level document significantly heightens expectations for the level of detailed analysis related to the proposed project. Chowchilla can only evaluate the project-level documents given the level of expectations it has enforced on projects it has considered as well as what we have seen as the level of effort from other communities in the Valley. "An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy." (Section 15144 CEQA Guidelines).

Inconsistent Levels of Analysis and Misleading Information

The CHSRA is considering the single most significant project in California's history. The environmental review process should reflect its importance particularly for all of those that will be affected by its design. Further, CEQA advises EIR preparers when evaluating impacts that "The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data. An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area." (Section 15064 CEQA Guidelines).

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The reader immediately notices the extensive analysis provided to the urban setting of Fresno and Merced and impacts of the stations befitting a "project-level" EIR. At the same time, there is scarcity of information and analysis in the rural area of the alternative alignments only rising marginally to the level of a "program-level" EIR. The rural area of the Merced to Fresno section constitutes 60% of the total mileage in this section. Certainly the mandatory Federal requirements of biology and Environmental Justice stand out as exceptions in the analysis, but the scant analysis of the remaining

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sections leads to an inappropriate conclusion of "no significant impact". This is a major inadequacy in the EIR/EIS.

Chowchilla is conflicted and concerned expecting that the HSR will in fact be built. Chowchilla is becoming convinced that our struggling rural community will be sacrificed with the A-2 alternative alignment at a cost of more than \$2 billion to save 30 seconds of travel time between L.A. and San Francisco as compared to the A-1 alternative that costs less and has fewer impacts on communities. Comparatively, that amount of additional cost would allow the City of Chowchilla to operate for 125 years at its present program levels. In the meantime, the legitimate short and long-term impacts we perceive from the A-2 East Chowchilla and Avenue 24 and the Hybrid Avenue 21 Wye alignments appear to be ignored and go unmitigated because of a flawed level of analysis leading to erroneous claims in the EIR/EIS of "no significant impact".

Interestingly, CEQA Guideline Section 15126.4 (a)(3) tells us that "Mitigation measures are not required for effects which are not found to be significant." Perhaps that is the motive for a less than adequate analysis in the EIR/EIS of potential impacts to Chowchilla. Certainly that would take additional time to quantify and require reasonable communication to address adequate mitigation to those impacts to Chowchilla.

Support for the A-2 -- Avenue 24 Wye route that some local governments expressed in the past (not Chowchilla) may be reversed when they recognize that impacts documented by rural communities will go unmitigated because the EIR claims "no significant impact" on areas of legitimate concern and close to the rural heart. Given the current information in the EIR/EIS, Chowchilla is among those rural areas that have little to gain and a lot to lose from the A-2 East Chowchilla and Avenue 24 and the Hybrid Avenue 21 Wye alignments.

Furthermore, the A-2, Avenue 21; the A-2, Avenue 24; or the hybrid have no relevance to a commitment of the CHSRA or the state to the voters who approved Proposition 1A in 2008. Only the A-1, Avenue 21 is a cost-effective method of achieving a requirement contained in Proposition 1A "The HST System would meet the requirements of Proposition 1A, including the requirement for a maximum nonstop service travel time

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between San Francisco and Los Angeles of 2 hours and 40 minutes." (pg. 2-2) Consideration of the A-2 alternatives at a cost of over \$2 billion more is not a legitimate alternative that meets the objectives of the High Speed Rail System.". This is a major inadequacy in the EIR/EIS.

Chowchilla suggests that the impact evaluation criteria as used in the Draft EIR/EIS for several topics examined is not complete and is not substantiated and does not provide appropriate impact evaluation criteria.

The Draft EIR/EIS does not comply with the CEQA because the EIR/EIS does not address the level of detail in the rural area nor recognize the difference between impacts to Chowchilla, a rural community, compared to urban areas (Merced and Fresno). Chowchilla is of the opinion that the project level EIR/EIS is not a complete and accurate document addressing all of the impacts on the City and does not provide the quantitative and/or qualitative analysis substantiated by data to support the conclusions set forth in the Draft EIR/EIS. It further does not comply with the applicable provisions of the CEQA Guidelines in terms of the content that is required by state law.

The Draft EIR/EIS superficially focuses its attention on the physical use of resources such as rock, aggregate, steel, and fossil fuels, and only addresses land use changes as an afterthought. The EIR/EIS analysis of land use conversion concerns itself with stations, ancillary facilities, and the HMF while ignoring the irreversible impacts on rural land use particularly in Chowchilla. The EIR/EIS points the reader to Chapter 3 of the EIR/EIS where such impacts are supposedly discussed. However, this direction does not inform the reader where they may find such specific analysis. The readers must search more than 800 pages in Chapter 3 and then try to cobble together such an analysis for themselves.

EIR is Deficient in Analysis of Impacts

The analysis of irreversible environmental change concludes that residents and businesses would benefit from the HSR and that would outweigh the irreversible commitment of resources. The EIR/EIS bases this conclusion on faulty information,

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inadequate analysis, and disregard for Section 15064 CEQA Guidelines. The EIR/EIS woefully abandons the significance of the impact to rural areas and is in favor of urban areas that stand to gain the most from the HSR project. The discussion of irreversible environmental changes is just as significant as any other impact analysis contained in a Draft EIR/EIS. As such, EIR/EIS analysis of such changes should be at the same level of analysis as other impacts.

There is no realistic analysis between alternatives in terms of the use of natural resources. For example, only the air quality technical study provided some level of comparative information. The reader had to aggregate that information in order to arrive at a comparative analysis. Unsurprisingly, the A-2 alternative required substantially more concrete and steel than the A-1 route. So much more concrete and steel is needed for the A-1 alternative that 120 miles of 4-lane 10 inch thick concrete travelway could be built with the difference in cost between A-2 and the more affordable A-1 Alternative. (pgs. 6-25 and 26 Air Quality Technical Report) Another elemental component to natural resources is the dwindling supply and use of aggregates to create that much more concrete. Approximately 944,955 more cubic yards is needed to produce the A-2 alternative than the A-1 route. Using a nominal ratio of 1.5 tons of aggregate per cubic yard of concrete, it will take approximately 1.4 million more tons of aggregate to construct A-1 than A-2. With only two new hard rock quarries planned for Madera County (pg. 3.19-5 Cumulative Impacts) it would take the entire production estimate of one of those quarries plus 25% of the other just to meet the difference. In response to environmental concerns, those hard rock quarries are meant to replace quarries that have historically been located in the San Joaquin River and be a long-term supply for all development in Madera County, not just the HSR. In addition, construction of the A-2 alignment will generate approximately 127,482 cubic yards more of excess material than the A-1 route. (pgs. 6-25 and 26 Air Quality Technical Report) That is a cube of material 100 feet wide and long over 38 feet high. The Draft EIR/EIS does not discuss the location for the disposed spoil and/or use of this material including the potential environmental impacts of that action. State agencies and others would roundly criticize Chowchilla and other local agencies if we failed in that responsibility in a project EIR for a major project. That level of analysis does not meet the standard of a

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project level EIR. Conclusions stated in irreversible environmental change of the Draft EIR need to be supported by data and quantitative and/or qualitative analysis, either in this section of the Draft EIR or in the other sections of the Draft EIR that can be found by the reader. However, there is no data in the EIR/EIS beyond supposition, or any meaningful quantitative and/or qualitative analysis for the rural communities that identifies the magnitude of the irreversible changes or provides any clarity as to the consequences of such changes. The lack of such information prevents the decision-makers and the public from making an informed and reasoned decision. The Draft EIR does not comply with the CEQA Guidelines and this needs to be corrected.

456-5

The Noise and Vibration section of the EIR/EIS is confusing and presents incomplete information. For example, there is no detail in the EIR/EIS that quantifies the total exposure of noise to sensitive receptors. While the L_{dn} for residential is provided, it lacks meaning and clarity given the extent of the proposed HST operations. There is no analysis of the period of time that the increasing, peak, and decreasing noise from the train will be experienced during the daily operations in Chowchilla. Because Chowchilla will be at the apex of all train movements (north-south and east-west), Chowchilla is the subject of most noise impacts. According to the EIR/EIS, around 300 trains will pass through Chowchilla (the number of trains per day fluctuate between the noise and the air quality sections) in a given 14-hour operational period. The EIR/EIS indicates there will be peak hours during the morning and evening. Nevertheless, over a 14-hour operational period, an average of 21 trains per hour will impact Chowchilla. Despite the simplification in the EIR/EIS of fixing an L_{dn} number to a location, there is more to the analysis. According to Figure 4-1, noise increases with distance until the train arrives at a specific location. One has to assume that the peak noise lasts while the train passes then diminishes at the same ratio. The EIR/EIS does not explain what this period is and how that may impact the sensitive receptor. At 220 miles per hour, to travel the distance between a nominal ambient noise level of 60 dBA, it will take about 700 feet. At 220 miles per hour, that is 2.2 seconds. For a train 660 feet long it will take 2 seconds to pass that same spot at peak noise levels and another 2.2 seconds passing to return to ambient noise levels. In other words, about 6.4 seconds of noise for each train passing. The longer trains (1,320 feet) will take about 8.1 seconds per train. With

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21 trains per hour that is one train every 2.8 minutes for 6.4 seconds. That frequency of continual noise could quickly rise to the level of "annoying" as the criteria of FRA suggests.

While the EIR/EIS defines locations where noise mitigation is cost effective, it takes some digging to find out what "cost effective" means. Apparently, it becomes not cost effective if the mitigation costs more than \$45,000 per dwelling. The fact that a price has been put on sensitive receptors physical and mental health should be much clearer in the text of the main document of the EIR/EIS.

The least number of noise impacts and least amount of sound wall length are on the A-2, Avenue 21 alternative alignment (pgs. 3.4-37 to 39 and 3.4-51).

456-6

A review of the Draft EIR/EIS Traffic Impact Analysis indicates that the Traffic Impact Analysis is very superficial and it does not accurately evaluate the impact of rerouting traffic caused by A-2 East Chowchilla and Avenue 24 and the Hybrid Avenue 21 Wye alignments nor the costs necessary to mitigate those impacts to the City.

One of the most significant project-specific and cumulative impacts of the proposed A-2 East Chowchilla and Avenue 24 and the Hybrid Avenue 21 Wye alignments on Chowchilla is from traffic and circulation. The Traffic Impact Analysis provides a great deal of discussion of traffic issues in Merced and Fresno including mitigation measures. However, Chowchilla is concerned that the traffic analysis is incomplete, inaccurate, and not in compliance with the CEQA Guidelines for the rural areas, specifically the City of Chowchilla. Chowchilla's existing circulation system is unique. Chowchilla is divided by SR 99 (at grade) and within 1,000 feet, the UPRR alignment at grade. The City has spent more than \$700,000 in the design and planning of a new SR 99/233 interchange. Caltrans has approved the PSR at an estimated cost of \$60 million. The HST elevated structure will cross this six-lane facility. How this planned and approved interchange will coexist with the HST structure is completely unknown and was not discussed in the EIR/EIS. No series of linear overcrossings of the freeway and railroad are possible because of limited distance. Under crossings are not possible because of the proximity to Ash Slough and high water tables during the irrigation season. Only an extended

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overcrossing over both the freeway and railroad could solve the issue. Unfortunately that is not possible except in a narrow alignment along Robertson Blvd. because to the south of Robertson Blvd. is the Chowchilla Airport which would have to be relocated to gain cross-city access. To the north of Ash Slough, Chowchilla included in its General Plan Circulation Element as series of crossings and ties to the City bridging Ash Slough. Placing an elevated HSR along the A-2 East Chowchilla and Avenue 24 and the Hybrid Avenue 21 Wye alignments would require the bridges to cross not only the freeway and railroad but also the elevated structure of the HSR A-2 East Chowchilla and Avenue 24 and the Hybrid Avenue 21 Wye alignments. This alignment would also require the City to add a new bridge to the General Plan Circulation Element from Fig Tree Road to Chowchilla Blvd. in the case that the only remaining freeway crossing at Robertson Blvd. becomes blocked. The City estimates the cost of the Fig Tree Overcrossing at \$37 million, given the additional height of the structure. Otherwise, adequate emergency services response would be prevented from reaching either side of the freeway and school transport would be interrupted. That would require extraordinarily high bridges, special engineering and a cost that would not be affordable. In the future, Chowchilla will need to reconstruct the Minturn interchange also to add cross-city circulation. That facility as well would have to provide extraordinarily high bridges to clear the A-2 East Chowchilla and Avenue 24 and the Hybrid Avenue 21 Wye alignments. These HSR alternatives will saddle Chowchilla with unaffordable circulation infrastructure improvements. Chowchilla's alternative to those capital investments would be either no growth or creating two separate distinct communities tied together with a single congested main arterial. None of those alternatives are attractive to Chowchilla, nor are extraordinarily high bridges.

It appears in the rush to conclude there are no significant impacts to traffic and circulation, the EIR/EIS did not address these impacts in the cumulative impacts because the traffic study did not consider the work that Chowchilla has done on its General Plan traffic study. All of Chowchilla's work was available in 2009 for HSR consultant use, but we received no such request. Chowchilla's traffic analysis used the Madera County traffic model as a base and enhanced that model with additional Traffic Area Zones and new potential connections across SR 99. More importantly, the

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analysis forecasted increased traffic loads on roads in the vicinity of Chowchilla and most importantly the impact of growth on SR 233/Robertson Blvd. Because of the A-2 East Chowchilla and Avenue 24 and the Hybrid Avenue 21 Wye alignments, the economically important employee and business access to Chowchilla's Industrial Park located between SR 99, SR 152, Avenue 24, and Road 16 will be lost or highly constrained. Yet this impact did not even rise to the level of a simple comment in the EIR/EIS. As access from the east side of the Chowchilla becomes problematic, the City will have to consider light and heavy industrial land uses to maintain a reasonable employee commute between work and home. A-2 East Chowchilla and Avenue 24 and the Hybrid Avenue 21 Wye alignments will affect the entire adopted land use concept for Chowchilla. This is a major inadequacy in the EIR/EIS.

Other elements of Chowchilla's circulation system potentially affected from the A-2 East Chowchilla and Avenue 24 and the Hybrid Avenue 21 Wye alignments are the efforts of the City to solve existing and future problems of traffic between SR 152 and SR 99. Robertson Boulevard (SR 233), Chowchilla's main arterial street, carries traffic between SR 152 and northbound SR 99 (there is no northbound connection at SR 152/SR 99 junction. While the Technical Appendices for Traffic includes a future project of a new interchange at SR 152 and SR 99, it is not clear that a northbound link is included. In fact, Caltrans has told Chowchilla that is not going to happen for many, many years (certainly beyond the initiation of the HSR system). Therefore, SR 233 through Chowchilla is going to increase in traffic (projected in the Chowchilla General Plan to be F+++ to a point of gridlock as demonstrated in the City's General Plan Circulation Element traffic model that the Draft EIR/EIS did not use. Chowchilla struggled in its General plan to develop alternatives to bypass downtown Chowchilla and create an interim northbound link between SR 152 and SR 99 using a connection between Robertson Blvd and Avenue 24 east to the Avenue 24/SR 99 interchange. The HSR Avenue 24 alignment will destroy any possibility of that road alignment. Additionally, other connection points were possible along Road 14 or Road 13 to either the Minturn interchange or the Plainsburg interchange. The A-2 and Avenue 24 HSR alignment has also severely compromised those road alternatives.

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Similarly, the north-south arterial system on the west side of Chowchilla included in the General Plan Circulation Element to parallel Robertson Blvd. to minimize downtown traffic must be redesigned and land use plans must be altered to conform with the HSR route along Avenue 24. Combining those difficulties with the lack of access from the east side of Chowchilla, the result is abundantly clear that the A-2 and Avenue 24 alignment will cause two separate cities to be created. To suggest that there is "no significant impact" is absurd. This is a major inadequacy in the EIR/EIS.

Chowchilla finds further fault in the modeling or lack of traffic modeling contained in the Draft EIR/EIS. Supporting the traffic analysis are a few rural traffic counts conducted in November 2009. If there had been sensitivity to the environment when the HSR alignments were being planned and analyzed, it should have occurred to the EIR consultants that winter season is the lowest traffic generation period in a primarily agricultural area. Traffic counts beginning in early September would be appropriate to determine a reasonable traffic setting. Most employees and truck trips are generated during the harvest season. Based on more realistic traffic information, it will not be as easy to dismiss the rural impacts to road closures in the productive agricultural area seeking transit from home to work and farm to market. Chowchilla doubts the EIR/EIS conclusion that the potential significance of these impacts could be easily mitigated by providing access to dwellings that would be affected by road closures or overcrossings along Avenue 24. This is a major inadequacy in the EIR/EIS.

It is unclear by the content of the Traffic Analysis as to what specific methodology EIR/EIS used to determine the impacts. It is not clear that the thresholds used in the Traffic Impact Analysis are based on the Madera County Roadway Transportation Plan. However, the Traffic Impact Analysis is so incomplete that it is unclear as to which model if any, the consultants used to arrive at the EIR/EIS conclusion of "no impact". This is a major inadequacy in the EIR/EIS.

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The CEQA Guidelines states in Section 15131 Economic and Social Effects that economic or social information may be included in an EIR or may be presented in whatever form the agency desires.

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In subsection (b) of 15131, the guidelines direct that economic or social effects of a project may be used to determine the significance of physical changes caused by the project. For example, if the construction of a new freeway or rail line divides an existing community, the construction would be the physical change but the social effect on the community would be the basis for determining that the effect would be significant. Keeping in mind CEQA Section 15064 that impacts may be greater in a rural area than an urban area, the EIR/EIS must provide a more detailed level of analysis where disruption to communities has the potential to diminish their ability to sustain themselves.

Beyond dividing an existing community, an economic impact could be the disruption of Chowchilla's adopted General Plan that includes substantial mitigation policies for impacts on the existing community from planned growth. For example, Chowchilla's circulation system is already constrained by a major freeway and railroad. The HSR A-2 East Chowchilla adds additional dividing influences. While the General Plan Circulation Element considered existing conditions of the freeway and railroad and the approved Preliminary Engineering Study for the SR 99/SR 152 interchange, the HSR did not. Insertion of the HSR into the proposed location of A-2 East Chowchilla and Avenue 24 and the Hybrid Avenue 21 Wye alignments will have significant impacts on the planned system to the extent that it makes the Chowchilla's Planned Circulation system impossible to build. Without adequate circulation bridging the existing freeway and railroad, the HSR would force Chowchilla to grow to the east destroying any potential to avoid a split community in the future. The EIR/EIS Section 3.13, pg. 3.13-18 discusses the Environmental Consequences of the UPRR/SR 99 Alternative stating "The amount of land that would be acquired would constitute a small portion of the total commercial and industrial land in Fairmead or these cities and would not result in any material changes in local or regional land uses or development patterns." This is misleading and a major inadequacy in the EIR/EIS.

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Furthermore, the Avenue 24 Wye alternative without the A-2 alignment creates a physical barrier to integrated growth west of the existing City. Chowchilla based its General Plan Land Use Element on a "balanced community" concept minimizing the

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impact of SR 99 and UPRR dividing the community. Creating a physical boundary with the Avenue 24 Wye forces the City to grow easterly to meet its forecasted population demands reinforcing a "two city" pattern. It is with great apprehension and displeasure we read on pg. 3.13-16, "Construction would affect residential land uses in unincorporated Merced and Madera counties and in the cities of Madera and Fresno." It seems that impacts to Chowchilla do not make it to the "radar screen" and are worth mentioning. Later on pg. 3.13-18, the EIR tells us that "The West Chowchilla design option would not affect land uses in Chowchilla." It is clear that the EIR/EIS preparer had in their possession Chowchilla's General Plan and should know that the Avenue 24 Wye will have an impact on land uses in Chowchilla and impact Chowchilla's future. Just after beginning on page 3.13-19 EIR/EIS engages in its recidivism moving away from the Program Level analysis of rural communities to a Project Level analysis of Merced and Fresno. At the Project level of analysis, the future land uses and advantages are clearly discussed. The EIR/EIS is inconsistent, unbalanced, and misleading which is a major flaw.

The proposed HSR A-2 East Chowchilla and Avenue 24 and the Hybrid Avenue 21 Wye alignments have serious short and long-term financial and economic consequences on Chowchilla that are superficially addressed with faulty information and lack of adequate analysis. Each of these alternatives also has serious short and long-term financial and economic consequences on the infrastructure. Chowchilla believes that many of the mitigation measures only mitigate the impacts on the proposed HSR system's construction costs to a level of insignificance, not the impacts to Chowchilla caused by the A-2 East Chowchilla and Avenue 24 and the Hybrid Avenue 21 Wye alignments.

The EIR/EIS does not fully analyze nor consider in a community context the proposed routes not adjacent to existing railway corridors such as the Avenue 24 Wye in Chowchilla. We are amazed at the disconnection and lack of understanding of the rural community in the analysis in a single paragraph on page 3.12-39 where it states "The introduction of the new HST corridor that is not adjacent to the existing railway corridors may result in additional areas where physical deterioration could occur and negatively affect property values." Further, "Additionally, there is no evidence to indicate the

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potential for physical deterioration, but consideration may be required in the rural communities where the HST corridor may affect the community character. The impact would be moderate under NEPA and less than significant under CEQA because it would not be a new impact on most of these communities and neighborhoods." There is no consideration given to the community's state goals and expectations contained in their General Plan.

456-9

In the following paragraph, the EIR/EIS again oozes its Project Level mantra telling the reader "In general, the areas around the HST stations in Merced and Fresno (both the Mariposa Street and Kern Street alternatives) would benefit from increased regional transit access and from potential development within station areas in a manner consistent with the General Plans' goals. Neighborhoods (particularly those near HST station areas) may experience increased vitality in terms of improved access, residential infill, increased employment, and greater patronage of local businesses. Residents in the areas surrounding the stations would also realize benefits associated with increased property values." Chowchilla must assume that General Plans in urban areas carry more weight and meaning to the overall good of the state than in rural areas.

Disturbingly, on page S-16 in the discussion of Adverse Effects Common to all HSR Alternatives – Socioeconomics, Communities, and Environmental Justice- the analysis does not mention the impact on Chowchilla but does mention the loss of a homeless shelter in Merced. An EIR/EIS analysis is unbalanced where the loss of a homeless shelter takes precedence over an entire community.

The imbalance in the analysis is only corrected when the land area of the rural and urban communities need to be aggregated to make the impact appear inconsequential. "The UPRR/SR 99 Alternative would affect communities of concern in Chowchilla, Fairmead, and Madera. No adverse impacts on communities of concern would be expected in Chowchilla because the East Chowchilla design option would follow SR 99 along the eastern edge of the city, through industrial and commercial land uses..." (Pg. 3.12-57). Later in the Section in Station Planning, Land Use, and Development – Permanent Conversion of Existing Land Uses to Transportation Use, the Draft EIR/EIS

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reinforces these assumptions by telling Chowchilla "The north-south alignment would primarily convert commercial and industrial land uses in the community of Fairmead and the cities of Merced, Chowchilla, Madera, and Fresno to a transportation use. The amount of land that would be acquired would constitute a small portion of the total commercial and industrial land in Fairmead or these cities, and would not result in any material changes in local or regional land uses or development patterns." (Pg. 3.13-19) The EIR/EIS is inconsistent, unbalanced, and misleading which is a major flaw.

456-10

The EIR/EIS does not adequately address air quality particularly the effects of wind from the 200 mph train in the context of the San Joaquin Valley. The EIR/EIS mentions the potential impact of re-suspending solids in a short paragraph on page 3.3-49, but does not include sufficient meaningful information as to the physical attributes of such re-suspension nor analyzes the potential for health consequences, particularly greater potential for Valley Fever for residents along the HSR route. For example, it is not meaningful to inform the reader "Assuming a friction velocity of 0.19 meter/second (m/s) to re-suspend soils in the project region, an HST passing at 220 mph could re-suspend soil particles out to approximately 10 feet from the train." It's not until the reader undertakes their own research to figure out what that means, do they find out that a high-speed train at only 160 mph produces a 40 mph wind at 25 feet from the center line of the track (U.S. Department of Transportation "Assessment of potential Aerodynamic Effects on Personnel and Equipment in Proximity to High-Speed Train Operations (December 1999). A 40 mph wind is equivalent to gale force winds where whole trees will be in motion. The ratio of speed to wind appears to be relatively constant and extrapolation of those measurements has the potential to create near hurricane force winds (70 mph) with trains traveling at 220 mph. Such forces will certainly cause particles to fly. While the wind dissipates over distance, the interference of sound walls of 14 ft. will change the direction of the wind created which carries dust pollutants. A Gaussian air pollutant dispersion model must be applied to fully understand the interrelationship and spread of the pollutant constituents. Research on "dust devils" also informs us that dust wind speeds of 25 mph can create a dust devil. Winds of 70 mph will certainly cause dust devils that will spread pollutants even higher into the atmosphere and over a greater distance. Research on the effects of dust devils

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indicates that the frequency of Valley Fever is among the bi-products of such wind-driven phenomena. There is no analysis of this potential given the miles of sound walls adjacent to residences along the HSR route alternatives. It is inconsistent that the San Joaquin Valley Air Pollution District would require counties and cities to pave road shoulders and not be concerned with the contribution of the HSR to particulate matter. On much less significant projects, the SJVAPCD has required Health Risk Assessments to be included in an EIR. It is also inconceivable that as the EIR/EIS states without quantitative analysis, "These emissions would be the same for the 2035 No Project Alternative compared to the HST alternatives and the 2009 existing condition compared to the 2009 existing condition plus project scenario. (pg. 3.3-49). This is a major inadequacy in the EIR/EIS.

456-11

Financial Impacts to Chowchilla based on Misleading Information

Any positive benefits from the HSR for Chowchilla are "assumed" by a flawed financial analysis not anchored in the economic reality of the Central Valley. It is a half-hearted effort to show some financial benefit where in many cases the potential does not exist. The assumptions are invalid that Chowchilla will share in sales tax revenue from purchases of the HSR and construction activities when the City does not have the types of stores where contractors will acquire such supplies. The fiscal impact to Chowchilla is not off-set by any kind of construction or operational financial resources flowing from the HSR. This is a major inadequacy in the EIR/EIS.

Much of the community benefit financial analysis offered in the Draft EIR/EIS is rooted in 'The Economic Impact of the California High Speed Rail in the Sacramento/Central Valley Area (Kantor 2008)'. Kantor's report was published in September 2008, just prior to the November election where voters approved Measure 1A. Chowchilla questions the usefulness of the document, not as a public relations tool to win votes, but as a source of data for the EIR/EIS. This document contains assumptions and suppositions based on non-comparable locations (Paris, France), factoring of gross numbers to apply to specific regions (that were probably not originally intended), and optimistic projections. The EIR/EIS takes similarly non-comparable projects and locations found

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in 'Impacts of Rail Transit on Property Values (Diaz 1999) and Reconnecting America' (Federal Transit Administration 2008) like San Diego, San Jose, and Toronto, Canada to compare property value increases around stations. The Draft EIR/EIS takes these misleading calculations and erroneously applies them to sub-regional locations such as Chowchilla to forecast sales tax increases, property tax increases and employment generation. For example, there is no analysis of the jobs lost or the tax income loss to the City in the commercial area of Chowchilla where the proposed A-2 route will remove thriving businesses near the SR 99/233 interchange. Another example shows Chowchilla could lose more than \$256,000 in sales tax, \$133,500 in transient occupancy tax, and another \$255,600 in property tax from the loss of just a few of the newer businesses in the path of the A-2 alignment. An income loss approaching a total of \$645,100 per year is no small matter to a rural City and certainly worthy of more than a "no significant impact" finding. The lack of analysis does not factually quantify whether there is a possibility of relocating such businesses to another location in the City with comparable access, visibility, and reasonable opportunity to maintain an ongoing business. The EIR simply assumes that the businesses could be relocated to the east side of SR 99 and does not consider access issues and substantial land use limitations created by property ownership patterns. The existing setting in Chowchilla is much different from any of the compared locations from which the Draft EIR/EIS defines potential impacts and subsequently delivers its off-base conclusion of "no significant impact". This is a major inadequacy in the EIR/EIS.

Fiscal Impact Inadequate and Misleading-Additional Study Needed

Without this level of viability, the impacts are not mitigated and there will be a physical "cause and effect" on the environment and the services and facilities offered by Chowchilla and other service providers.

The CEQA Guidelines require that the Draft EIR trace a chain of cause and effect from a proposed decision on a proposed HSR through anticipated economic or social changes resulting from the proposed HSR alternative routes to physical changes caused in turn by the economic or social changes. The intermediate economic or social

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456-11

changes need not be analyzed in any greater detail than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes. The Draft EIR/EIS compares alternatives based on faulty premises (such as a study in Denver, Colorado regarding density (see pg. 2-28 of Draft EIR/EIS)). One might as well compare Chowchilla to beachfront property in San Diego. There is no commonality. This is a major inadequacy in the EIR/EIS.

In order to trace this chain of cause and effect, Chowchilla believes that the Draft EIR/EIS should contain a fiscal and economic discussion of the proposed HSR route alternatives in Chowchilla. A reasonable and fair Fiscal Impact Analysis that takes into consideration the inability of Chowchilla to grow as it intended, the loss of existing jobs and tax revenue from the businesses removed from the right-of-way in Chowchilla, and the lack of resources to bridge the HSR system, must support this discussion. Analyze the separation of an existing city's circulation system and the fiscal burden on the residents by ultimately creating two cities where there should be one city. The EIR/EIS failure to recognize HSR impact from its proposed system on Chowchilla's land use and economy is a major inadequacy in the EIR/EIS.

456-12

An appropriate analysis for the rural community of Chowchilla would include:

Short-term

1. Ensure that all businesses that are within the taking area of the HSR right-of-way are correctly identified and shown on maps.
2. Determine the existing contribution of municipal revenues from businesses within the take area of the HSR right-of-way as compared to the overall municipal revenues from similar commercial uses.
3. Determine the number of employees that would be displaced by the taking of businesses for the HSR right-of-way and include those businesses already closed because of pending HSR right-of-way acquisition.

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Submission 456 (David Alexander, City of Chowchilla, October 3, 2011) - Continued

456-12

4. Determine from visual analysis the impact of the HSR facility on blocking highway visibility to an active highway commercial service center. The visual analysis should consider vehicles traveling on SR 99 at speed attempting to see through a concrete picket fence.
5. Determine ancillary business closures or reductions in business trade because of loss of visibility. Integrate that loss into the direct loss of businesses taken.
6. Forecast the impact on Chowchilla's General Fund and the potential services lost due to loss of income.
7. Forecast the potential recovery time of Chowchilla's revenues with the optimistic assumption that those businesses could be relocated or choose to relocate to some other location in the City.
8. Forecast the increased cost of City transit, school busing, and Police and Fire Department emergency response.

Long-Term

9. Forecast the probability of relocation to the east side of the SR 99 for those businesses and the variance in financial commitment of the businesses to make such a move. Identify the needs of businesses for additional sources of loans to pay potentially higher land and construction prices in a new location.
10. Forecast the growth of businesses on the east side of SR 99 at a constrained population and access due to the forced congestion on SR 233/SR 99 interchange, if it could even be constructed in the same location. If another location to serve the residents on the west side of Chowchilla is necessary, determine a reasonable location and estimate the cost of acquisition and new construction including the cost of expanding infrastructure and streets.
11. If the 233/SR 99 interchange cannot be constructed in the same location, estimate the additional cost of construction including relocation of additional businesses for right-of-way. Recalculate the potential recovery time of

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456-12

Chowchilla's revenues with the optimistic assumption that those businesses could be relocated or choose to relocate to some other location in the City.

Conclusion

Chowchilla's unique geographic position in the HSR system where the north-south and east-routes conjoin places a tremendous burden on the community. While many in Chowchilla will argue in favor of the HSR as a positive affect to the entire state as a whole, which it may well be, the HSR impact on Chowchilla is a "bitter pill" to swallow no matter how it is "candy coated" with misleading and speculative information contained in the EIR/EIS.

456-13

Chowchilla has responded and planned for the growth in the San Joaquin Valley and the forecasted increase in traffic not only generated on the freeway system, but on local roads and streets as well. Chowchilla's General Plan solved those issues and kept the system operating within accepted levels-of-service. However, for the Draft EIR/EIS to disregard those legitimate efforts and distort information to make the HSR system seem more palatable is inappropriate and misleading.

Chowchilla acknowledges, "Between 2010 and 2035, VMT is projected to increase 80%, 90%, and 20% in Merced, Madera, and Fresno counties, respectively."(Pg. S-10) Chowchilla believes that the Draft EIR/EIS overstates the benefits of the HSR to existing and future Central Valley residents, employees, and businesses. The EIR/EIS analysis claims "The No Project Alternative would not have the community benefits associated with the HSR project: reduction of traffic congestion on highways and major roadways and improved mobility and access to jobs, educational opportunities, and recreational resources." (Pg. 2-11) It is a misleading overstatement to credit the HSR with saving agricultural land from development, cultural resources or biological resources, etc. to any significant level. The EIR/EIS does not present factual data to support these contentions. The HSR will only reduce traffic by 2.7% in VMT of the 90% expected increase in Madera County (Pg. 3.2-36). While that may redirect some automobile traffic, it does little for increased truck traffic or other mobile sources of air pollution and congestion that Chowchilla will still have to deal with in its local circulation system. The

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Submission 456 (David Alexander, City of Chowchilla, October 3, 2011) - Continued

456-13

A-2 East Chowchilla and Avenue 24 and the Hybrid Avenue 21 Wye alignments remove the ability of Chowchilla to cost effectively meet its obligations to be a partner in Central Valley planned growth. The EIR/EIS failure to recognize the HSR impact from its proposed system on Chowchilla's circulation system is a major inadequacy in the EIR/EIS.

456-14

Further, to state that there will be a substantial reduction in air emissions is also misleading. The net reduction in air emissions comes from a statewide impact, not the route between Merced and Fresno. Chowchilla just happens to be at the focal point of all the trips on the HSR that cause most of that reduction. Yet the EIR/EIS expects Chowchilla to carry the brunt of the impacts to its land use, circulation system, and potentially the health of its residents. How can the EIR/EIS reach a conclusion of "no significant impact"?

456-15

Finally, in the discussion of Consistency with Land Use Plans (Pg. 3.13-25) the Draft EIR/EIS discloses the HSR opinion by claiming consistency of only a portion of the San Joaquin Valley Blueprint "Although there are no adopted policy documents the San Joaquin Valley Council of Governments has adopted 12 Smart Growth Principles, a density commitment, and a series of maps. Of the 12 Smart Growth Principles identified in Section 3.13.2.3, a majority are relevant to the HSR project, including principles 1, 2, 4, 6, 7, 8, 9, 10, 11, and 12." This disclosure is so often contained in the principles that the HSR finds relevant, rather in those principles it does not find relevant to its purposes. To the HSR project the irrelevant principles are:

3. Encourage community and stakeholder collaboration.
5. Make development decisions predictable, fair, and cost-effective.

In other words, the HSR is not interested in working with communities in a legitimate attempt to overcome community impacts and its decisions are not predictable, fair, and cost effective. This approach is not in the spirit of both the CEQA or NEPA regulations and makes the entire HSR environmental review process disingenuous.

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Regards,



David Alexander
Mayor, City of Chowchilla

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Response to Submission 456 (David Alexander, City of Chowchilla, October 3, 2011)

456-1

See MF-Response-GENERAL-10

456-2

See MF-Response-GENERAL-1 and MF-Response-GENERAL-22

456-3

The commentor does not provide insights about what resources or issues were not considered in enough detail. Resources that concern rural areas would typically include economic, agricultural, biological, social and community resources, each of which are included in the EIS/EIR document and associated reports.

More specific information is provided in some cases for the cities of Merced and Fresno because of the stations located within the cities and the potential for impacts and benefits associated with these stations. Figures within each resource section display impacts for Chowchilla and Madera vicinities in addition to Merced and Fresno.

456-4

The HST track will be constructed using a combination of slab (on elevated sections) and ballast. The materials would come from existing quarries within and outside the San Joaquin Valley. There are five potential quarries that could supply ballast for the HST Project. Section 3.9.1 of the FEIR/EIS has additional information regarding ballast and slab material.

The Project Description in the EIR/EIS states that excess excavated material would be removed and hauled to a permitted disposal site. Truck hauling would require a loading area, staging space for trucks awaiting loading, and provisions to prevent soil from being tracked on public streets. Truck haul routes would be consistent with local jurisdictions' requirements.

456-5

See MF-Response-NOISE-3 and MF-Response-NOISE-6.

456-6

The traffic count data presented in the DEIR/EIS was compared with traffic counts presented in the Madera County Traffic Monitoring Program (that conducts traffic counts

456-6

at different times of the year) and found to be generally consistent. Moreover, in addition to the traffic counts, other factors such as additional travel due to road closures were used in the evaluation.

The proposed alignment through downtown Chowchilla is elevated and adjacent to SR 99, along an area that is least developed and opposite the freeway from the residential development. This alignment minimizes effects to development and circulation. Where HST is at-grade, along the Avenue 24 Wye and Hybrid Wye options, the project proposes to provide grade crossings to maintain traffic circulation and does look at future coordination with Caltrans projects. Close coordination with Caltrans has occurred throughout the project. Generally, grade separations were provided where HST was at-grade to maintain traffic circulation. The proposed HST alignment through Chowchilla would not disrupt the major roadways and would not affect traffic circulation.

Some of Caltrans' future improvements are included as part the HST Project due to the impact of HST facilities. There are possibilities to collaborate on other future improvements; this will depend on MOU/Agency Agreement between the Authority and Caltrans. The HST alignments are located, to the extent possible, adjacent to existing transportation corridors so that if future overcrossings are necessary, the span to cross HST is not prohibitive.

456-7

See MF-Response-TRAFFIC-2, MF-Response-SOCIAL-4, MF-Response-SOCIAL-1, MF-Response-SOCIAL-3, and MF-Response-LAND USE-3. None of the HST alternatives result in the bisection of any communities. As described in Section 3.12, Socioeconomics, Communities, and Environmental Justice, many of the cities in the study area grew because of the railroad which formed the original division. The HST project would add incrementally to this, but the footprint is about 50 feet where the alternatives are elevated and 100 feet where at-grade. Where elevated, access would remain under the alignment and where at-grade there would be overpasses constructed at most of the existing roadways. All of the alternatives result in property acquisition and the conversion of land to a transportation related use. Section 3.13.5, Land Use, Station Planning, and Development, provides information on the amount of land that would be

Response to Submission 456 (David Alexander, City of Chowchilla, October 3, 2011) - Continued

456-7

converted which ranges from about 1,600 to 2,100 acres depending on alternative, design options, and wye for all three counties. Refer to Appendix 3.12-B, Land Use and Communities, for additional information.

456-8

See MF-Response-TRAFFIC-2, MF-Response-SOCIAL-4, MF-Response-SOCIAL-8, and MF-Response-LAND USE-4. Both the Ave 24 Wye and Ave 21 Wye would include roadway overpasses over the HST alignment which maintains access and likely results in improvements to safety. The wyes are located outside of the city limits for Chowchilla and because access is maintained over the wyes, especially the Ave 24 Wye, which is closer to Chowchilla, there should be no effect on growth within the sphere of influence. Additional information on land uses in the Merced to Fresno section, including the City of Chowchilla, is located in Appendix 3.12-B, Land Use and Communities.

456-9

See MF-Response-SOCAL-3, MF-Response-SOCIAL-4, MF-Response-SOCIAL-8, MF-Response-LAND USE-3, and MF-Response-LAND USE-4. The station areas are the focus of Transit Oriented Development which can result in a number of positive benefits for the surrounding neighborhoods. Section 3.13.5, Land Use, Station Planning, and Development, provides complete information on how the stations can act as a catalyst for development. Text in Section 3.12.5 provides information on the community facilities that would be affected by construction which includes the homeless shelter in the City of Merced that is affected by all HST alternatives. The text also provides information on the disruption to communities and since the HST alignments do not bisect any communities there are no adverse effects. The HST would add incrementally to the division caused by the other transportation corridors. Refer to Appendix 3.12-B, Land Use and Communities, for additional information on the areas adjacent to the HST alternatives.

456-10

See MF-Response-AQ-1. According to Figure 12 of the USDOT 1999 report (p. 28 of the report), a bluff-nosed train travelling at 150 mph would create a high induced airflow of about 40 mph at 25 feet from the side of a passing train, but a slender-nosed train (such as the train that would be used for the CA HST project) would create an induced airflow of about 10 mph at the same speed and distance from the train. The report also

456-10

discusses the comparison between blunt and slender-nosed trains on p. vii in the Executive Summary. For more information about HST-induced wind speeds, please see EIR/EIS Appendix 3.3-A, Potential Impact from Induced Winds.

Qualitative discussion of health impacts during project alignment construction were provided in Section 3.3.5.3 of the EIR/EIS. The cancer and non-cancer chronic and acute hazard risk analyses conducted for the DEIS was based on conservative estimates of equipment operations and locations, and the locations of nearby sensitive land uses. Once a final HMF site is selected and designed, analyses will be conducted using projected equipment usage, the locations of the major emission sources (based on plant layout that will be developed), and the locations of nearby sensitive land uses (e.g., residences). Mitigation measures, if necessary, would be included to ensure that EPA's significant impacts thresholds are not exceeded at the sensitive land uses.

456-11

See MF-Response GENERAL-19, MF-Response-SOCIAL-8, and MF-Response-SOCIAL-2.

The HST project's level of design somewhat limits the level of detail that the EIR/EIS analysis can achieve. While it is unknown if any supplies would be purchased from businesses in the City of Chowchilla, it is likely that construction works would make purchases within businesses in the City of Chowchilla which would benefit sales tax revenues during construction. The HST Project would also create permanent employment opportunities that extend beyond the HST station areas.

The East Chowchilla Design Option and the Hybrid Alternative with the Ave 21 Wye would be located adjacent to SR 99 through Chowchilla and the alignment would be elevated. These alternatives would add incrementally to SR 99 corridor. The elevated footprint of the HST along SR 99 HST is about 50 feet and access is also maintained under the alignment. As described in Section 3.12, Socioeconomics, Communities, and Environmental Justice, these alternatives are adjacent to the SR 99 corridor and about 0.25 mile away from downtown Chowchilla.

A relocation analysis has been completed as part of the Merced to Fresno documentation. The analysis included an analysis of all properties that would be

Response to Submission 456 (David Alexander, City of Chowchilla, October 3, 2011) - Continued

456-11

impacted by full and partial property acquisitions, the number of employees that would be impacted due to business relocations, and a determination of suitable locations for business relocations. The analysis looked at replacement properties within the citywide relocation replacement areas and within a 30-mile radius within the unincorporated portions of the counties. The analysis identified locations near the areas where the acquisitions occur for the business acquisitions in the City of Chowchilla, so businesses could be relocated in close proximity to their existing locations. All businesses acquired would be compensated. SO-MM#2 in Section 3.12.7 provides information on the relocation plan that will be developed as part of the HST project and Appendix C, Relocation Information, in the Community Impact Assessment, provides additional information on the compensation provided.

Section 3.13, Station Planning, Land Use, and Development, provides information on the amount of land that will be converted to a transportation related use. The conversion of land to a transportation related use is not anticipated to result in any negative effects on the adjacent land use. Refer to MF-Response-LAND USE-4 for information on the effects on future land use. Overall, no significant impacts on the adjacent land uses occur as a result of the HST Project. Refer to Appendix 3.13-B, Land Use and Communities, which provides additional information on how the HST Project would not preclude development in the adjacent land uses.

456-12

See MF Response-SOCIAL-1, MF-Response-SOCIAL-8, MF-Response-TRAFFIC-2, and MF-Response-SOCIAL-3. Appendix 3.12-A, Relocation Assistance Documents, provides information on the relocation process for those displaced by the HST Project. Everyone will personally work with a Relocation Agent from the Authority. If the high-speed train project will require a considerable number of people to be relocated, the Authority may establish a temporary Relocation Field Office on or near the project. Project relocation offices will be open during convenient hours and evening hours if necessary. In addition to these services, the Authority is required to coordinate its relocation activities with other agencies causing displacements to ensure that all persons displaced receive fair and consistent relocation benefits. SO-MM#2, Develop a relocation mitigation plan, has been revised and includes additional information on what will be included in the mitigation relocation plan including an ombudsman's position to

456-12

act as a single point of contact for property owners, residents, and tenants with questions about the relocation process. The ombudsman would also act to address property owners', tenants', and other residents' concerns about the relocation process as it applies to their situations. The HST project does not require the reconstruction of the 233/SR 99 interchange because the HST alignments would be elevated and cross over the interchange. Since the interchange is not affected there are no business impacts other than those that are acquired as part of the HST project.

456-13

See MF-Response-GENERAL-1 and MF-Response-GENERAL-10.

456-14

See MF-Response-AQ-6.

456-15

See MF-Response-GENERAL-17. The HST Project is generally consistent with the planning objectives of the local jurisdictions. Text has been revised in Section 3.13, Station Planning, Land Use, and Development, to indicate that the HST is generally consistent with the 12 Smart Growth principles.

Submission 173 (Mark Lewis, City of Chowchilla, August 29, 2011)



August 12, 2011

David Valenstein, Chief
Environmental and Systems Planning division
Federal Railroad Administration
1200 New Jersey Avenue, SE, MS-20 W38-303
Washington, DC 20590

Roelof Van Ark, Chief Executive Officer
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, Ca 95814

Re: California High-Speed Train: Merced to Fresno Section
Draft Environmental Impact report/Environmental Impact Statement
And Draft Section 4(f) Statement. **Request for Extension of Comment Period.**

Gentlemen:

The City of Chowchilla, California is located at the "Wye" of the north-south and east-leg of the planned HSR system of the first element of the system proposed to be constructed. Chowchilla has taken part in the planning and environmental discussions at every opportunity for almost two years. Because of the location of our community we have a lot at stake in ensuring that our residents and community as a whole have an adequate voice in the environmental review process. As we have been asked, we waited until the release of the EIR/EIS to evaluate how our concerns were addressed. We take our local role seriously and desire to participate in making the environmental review the best possible example of analysis and recognition of community impacts from this major infrastructure project, perhaps the largest project at one time in California's history.

We are mindful and acknowledge the CHSRA's need to move rapidly forward with decision making on this project. At the same time, the nation and California are facing tremendous economic strains and the City of Chowchilla is no exception as a small city. Our staff resources are at a minimum and we have little to spend on experts to help us provide meaningful and constructive comments to the HSR environmental document for the Fresno to Merced Section.

173-1

The HSR environmental document was released on August 8, 2011 and the comment period ends on September 28, 2011. This 45 day comment period leaves little time for Chowchilla to comment as we involve our elected officials in the public comment process through public discussion of the comments the City will submit. With only two City Council meets per month and public noticing and information distribution, the September 28th deadline leaves little time for thoughtful and productive comments on this major project. Our analysis has to involve a thorough review of the technical documents to assess whether the existing conditions are reflective of the conditions that will be impacted by the project and that the project's impacts are adequately expressed. Mitigation measures must also reflect reasonable actions to avoid or minimize those impacts. We feel that additional time for comments will save time when HSR consultants need to respond to the comments and keep the decision making process in a reasonable time frame.

Chowchilla desires to be helpful to FRA and CHSRA in assessing and mitigating the potential impacts from this massive project that will affect the daily lives of our residents. It is with that thought in mind that we respectfully request:

THE COMMENT PERIOD BE EXTENDED FOR AN ADDITIONAL 30 DAYS TO ALLOW ADEQUATE TIME FOR LOCAL AGENCIES TO PROVIDE MEANINGFUL COMMENTS.

We believe this request is justified because:

1. The size and bulk of the environmental review document of approximately 1,150 pages and 16 Technical Appendices that deserve constructive comment.
2. Local governments have reduced staffing to compensate for poor economic conditions and many professional positions are vacant and the remaining employees are accepting additional workload beyond that which would be required to meet the comment deadlines of the EIR/EIS.
3. Local government General Fund revenues are strapped and little is available to pay for consultants to comment on the EIR/EIS document.
4. Local government typically involves its elected officials in the discussion and approval of comments to other agencies on major projects such as the HSR system.
5. Local government City Councils do not meet on a weekly basis and scheduling meetings takes several weeks of preparation and publishing reports in advance of meetings.
6. Modifications to staff recommended comments or additional comments (including evidentiary analysis) could take additional time prior to the publishing of the City's official comments.

Submission 173 (Mark Lewis, City of Chowchilla, August 29, 2011) - Continued

7. The CHSRA process of responding to comments can be minimized when comments are clear, concise, contain relevant information, and thoughtful suggestions.

Because of the fast approaching deadlines, we trust that you will respond to this request appropriately.

Sincerely,

Mark Lewis, Esq.
City Administrator

Response to Submission 173 (Mark Lewis, City of Chowchilla, August 29, 2011)

173-1

See MF-Response-GENERAL-7.

Submission 969 (Oliver L. Baines III, City of Fresno, October 13, 2011)



OLIVER L. BAINES III
Councilmember, District Three

October 13, 2011

Fresno to Bakersfield DEIR/EIS Comment
Fresno to Merced DEIR/EIS Comment
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, California 95814

To whom it may concern:

As Council District Three representative on the Fresno City Council, I write to you to voice my support and concerns for the High Speed Rail Project (Fresno to Bakersfield and Merced to Fresno DEIR/EIS) that will affect the local economy, employment, land-use and the way we travel.

With so much riding on this project, we must be cautious of how we come to realize this latest feat in California transportation.

969-1

First, let me state again that I am in favor and a strong supporter of the High Speed Rail Project. I think this project has the potential to be very beneficial to Fresno and the greater San Joaquin Valley.

Though I support the project, I still have concerns with the processes of informing the public, job creation and regulation.

969-2

Constituents have contacted my office with a list of concerns that suggest they do not adequately understand the timing, full scope and impact of the High Speed Rail project. Per constituent comments, it seems they would benefit from more community interaction directly with the High Speed Rail Authority.

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969-2

I believe the community and the High Speed Rail Authority could greatly benefit from the creation of an ombudsman office in Fresno similar to the way Caltrans and the local Transportation Authority have handled its major projects such as the building of Highways 168 and 180 and the continual regulation of Measure C.

969-3

I also have a continued concern about the community's access and training for High Speed Rail-related jobs that will soon come online. As this is a project in the Fresno community, it only seems fit that residents and local businesses should have priority and strong access to jobs and contracts when it comes to the construction, operation and ancillary services.

I am especially concerned about the at-risk communities being shut out of yet another large infrastructure project. With unemployment close to 20 percent, we need projects that will put everyone to work. This will be addressed by local hiring and focused training opportunities for applicants and residents.

Thank you for taking my comments into consideration. Should you have any questions or suggestions, please feel free to contact me via:

Phone: (559)621-8000
Fax: (559)621-7893
Email: District3@fresno.gov

Sincerely,

Oliver L. Baines, III
Councilmember, District Three

City of Fresno
City Hall • 2600 Fresno Street • Fresno, California 93721-3600
(559) 621-8000 • FAX (559) 621-7893 • www.fresno.gov

Response to Submission 969 (Oliver L. Baines III, City of Fresno, October 13, 2011)

969-1

See MF-Response-GENERAL-9.

969-2

See MF-Response-GENERAL-17.

969-3

See MF-Response-GENERAL-19.

Submission 703 (Mark Scott, City of Fresno, October 13, 2011)

City of Fresno Draft EIR/EIS Comments
HST Merced to Fresno
Page 2

703-1

checks for public improvements, traffic control plan reviews, inspections and acceptance of City facilities. Of course, CHSRA will be completely responsible for financing the mitigation measures within the City of Fresno or its sphere of influence, and as a result, no City of Fresno funds, resources or staff time will be required for the mitigation measures or processing of items unless the CHSRA fully compensates the City. It is the City's expectation CHSRA will bear the full costs associated with the project's impacts, including impacts to the City's residents and businesses. Our specific comments are listed below by section of the Draft EIR/EIS. As can be seen from the extensive comments provided in this letter, the City has concerns that the DEIR/EISs have not sufficiently analyzed a significant number of potentially significant environmental impacts to the City of Fresno from this Project.

703-2

SECTION 2.1: ALTERNATIVES

A critical component of an EIR/EIS is its Alternatives Analysis. Though the EIR/EISs for the Bakersfield to Fresno and Merced to Fresno sections analyze alternative alignments for areas apart from the City of Fresno, the EIR/EISs analyze only one option for the rail alignment/profile through the City of Fresno. The City believes that this single alternative is inadequate and fails to comply with the requirements of CEQA and NEPA.

Public Resources Code, section 21002 states that the California Legislature finds and declares that it is the policy of the state that public agencies should not approve a project as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects. In addition, CEQA Guidelines, section 15126.6 (c) states that the range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination.

CEQA Guidelines, section 15364 states that "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors.

The economic factors, such as cost of constructing an alternative, may be considered in determining the feasibility of an alternative. However, California courts have stated that the fact that an alternative is more expensive than the project, does not make the alternative infeasible. The court in Citizens of Goleta Valley v. Board of Supervisors (1988) 197 Cal.App.3d 1167, 1181 stated as follows:

The fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project. (Underlining added.)

Here, the EIR/EIS states the project objectives and policies for the proposed HST system are as follows:

October 13, 2011

Mr. Roelof van Ark, CEO
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

RE: Comments regarding Merced to Fresno High Speed Train Draft EIR/EIS

Dear Mr. van Ark:

Thank you for the opportunity to review and comment on the Draft EIR/EIS for the Merced to Fresno segment of the proposed High Speed Rail project. In an effort to make the High Speed Rail project the best for the State of California, for our metropolitan region and for the local community, please consider the comments the City is providing as you prepare the Final EIR/EIS. Attached please find a detailed comments table which addresses specific issues throughout the document. These concerns generally fall into the categories below:

- The need for underpasses versus overpasses at several street-railroad grade separations;
- Construction impacts (traffic management plan, limitations and restrictions upon road closures);
- Adequacy and timing of certain traffic mitigations;
- Economic impacts to businesses, sales tax and property tax;
- Depressed trench versus at-grade profile through downtown;
- Protection of existing sewer and water pipelines, provision for future crossings;
- Noise and vibration;
- Adequacy of historic resources analysis; and
- Treatment of Roeding Park

703-1

In terms of fiscal and economic impacts, the City of Fresno wishes to emphasize that the high speed rail project should not result in any cost or negative revenue impacts to the City. City staff will be pleased to assist with processing of items required for the project including plan

Submission 703 (Mark Scott, City of Fresno, October 13, 2011) - Continued

City of Fresno Draft EIR/EIS Comments
 HST Merced to Fresno
 Page 3

703-2

1. Provide intercity travel capacity to supplement critically over-used interstate highways and commercial airports.
2. Meet future intercity travel demand that will be unmet by current transportation systems, and increase capacity for intercity mobility.
3. Maximize intermodal transportation opportunities by locating stations to connect with local transit, airports, and highways.
4. Improve the intercity travel experience for Californians by providing comfortable, safe, frequent, and reliable high-speed travel.
5. Provide a sustainable reduction in travel time between major urban centers.
6. Increase the efficiency of the intercity transportation system.
7. Maximize the use of existing transportation corridors and rights-of-way, to the extent feasible.
8. Develop a practical and economically viable transportation system that can be implemented in phases by 2020 and generate revenues in excess of operations and maintenance costs.
9. Provide intercity travel in a manner sensitive to and protective of the region's natural and agricultural resources and reduce emissions and vehicle miles traveled for intercity trips.

In this regard, an entirely below-grade "trench" style alternative through the City of Fresno's downtown area as depicted in the attached diagram(s) could feasibly accomplish most of the basic objectives of the project as required for analysis by the EIR/EIS.

First, the downtown "trench" alternative provides the same intercity travel capacity to supplement critically over-used interstate highways and commercial airports, and is consistent with the "at grade" profile alternative proposed by the draft EIR/EIS except that it would be below grade.

Second, the downtown "trench" alternative merely adjusts the grade to mitigate environmental impacts caused by the option analyzed by the draft EIR/EIS, and will be able to fulfill the objective of meeting future intercity travel demand that will be unmet by current transportation systems, and increase capacity for intercity mobility, in substantially the same manner as the at-grade option.

Third, station location alternatives, including the preferred Mariposa Station, will not be affected. As a result, the downtown "trench" alternative will continue to maximize intermodal transportation opportunities by locating stations to connect with local transit, airports, and highways in the same manner as the at-grade alternative.

Fourth, the downtown "trench" alternative will provide for the overall same improvement to the intercity travel experience for Californians by providing comfortable, safe, frequent, and reliable high-speed travel. The grade separation will not affect safety, other than to improve emergency response times and public safety services on roadways passing over the below-grade trench as compared to the at-grade alternative requiring under-passes, steep overpasses or other impediments to vehicular and pedestrian traffic.

Fifth, the downtown "trench" alternative will meet the objective of providing a sustainable reduction in travel time between major urban centers for the same reasons as the at-grade

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alternative analyzed in the EIR/EIS. It will also increase the efficiency of the intercity transportation system in the same manner.

Sixth, the downtown "trench" alternative will meet the objective of maximizing the use of existing transportation corridors and rights-of-way, to the extent feasible. In this regard, the "trench" option will be located at the identical alignment as the at-grade option, and parallels existing Union Pacific Rail Road (UPRR) corridor to the extent feasible.

Attached are several cross-sections that have been developed by the City's engineering consultant team. To date the Authority has not provided a cost analysis to indicate why this option would not be feasible, given this alternative's potential to be the environmentally superior alternative in terms of traffic circulation, aesthetics, socioeconomic and environmental justice considerations, and minimizing the disruption of an establish community.

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SECTION 3.2: TRANSPORTATION

Section 3.2.5.3 of the Draft EIR/EIS states that "a Construction Management Plan would be prepared during final design that outlines transportation detours, plans to accommodate emergency service routes, and outreach activities to manage expectations and traffic constraints, among other items. Preparation of this type of plan is a standard practice and incorporates local review and comment."

Project construction has the potential, if not mitigated, to create significant impacts to emergency response and public safety, result in significant traffic congestion, delays and short-term air quality impacts by either the full closure of roadways or lane closures, that would in turn result in detours or significant delays to the traveling public and emergency responders. Arterial and collector streets, within both the City and Caltrans right-of-way (i.e. freeway overpasses) are relied upon by emergency responders such as the Fresno Police Department and Fresno Fire Department. Detours, closures and lane restrictions therefore have the potential to impact emergency response times, thus creating a potentially significant impact to public safety that needs to be addressed. Ordinarily a stage construction and traffic handling plan would be prepared during the final design of a project, after CEQA/NEPA clearance. However, due to the proposed design-build delivery method of the project, the City is concerned that this approach will be inadequate, in that traffic control requirements that do not make it into the bid set, or bridging documents, would have a strong likelihood of becoming change orders, claims or generally cost increases to the project.

The two Policing Districts impacted by the HSR are the Northwest Policing District (HSR track north of McKinley Blvd) and the Southwest Policing District (HSR tracks south of McKinley Blvd). Information such as proposed construction schedules, defined construction zones, security needs for building sites or building materials (to coordinate with private security if used), would assist in developing adequate travel alternatives for law enforcement emergency calls. Of particular concern is the major re-routing of State Route 99 and reconstruction of the Clinton/SR-99 interchange along with ramp modifications and the potential adverse impacts public safety and the impacted LOS on these re-routed segments. It is not adequate to defer the development of a traffic management plan to the final design stage given the potential impacts which may or may not be mitigated by the future plan that would be developed. A comprehensive plan should be developed in conjunction with the Fresno Police Department,

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Fresno Fire Department and California Highway Patrol for this area. Reconstruction of the Ashlan Avenue overpass, along with major construction/grade separations on east-west roadways do not appear to have contemplated the impact upon emergency responders and public safety for the project area. More specificity is needed in order to ensure that these impacts are mitigated.

The Draft EIR/EIS is inadequate in that it fails to address the myriad of potentially significant impacts associated with major reconstruction of freeway interchanges such as Clinton Avenue at State Route 99, or major construction of grade separations at locations such as Shaw Avenue, Ashlan Avenue, McKinley Avenue, Olive Avenue, Belmont Avenue and multiple locations in downtown Fresno. The traffic control requirements need to be put in place as mitigation measures to reduce these construction impacts to less than significant. The City believes the following restrictions should be incorporated into the measures to mitigate these identified construction related impacts:

- Maintain detection at signalized intersections where alignment changes or widening is necessary, in order that the traffic signal does not need to be placed on recall (fixed timing).
- Changeable message signs (CMS) shall be employed to advise motorists of lane closures or detours ahead. The CMS shall be deployed seven (7) days prior to the start of construction at that location.
- Where project construction will cause delays on major roadways during the construction period the project shall provide for a network of CMS locations to provide adequate driver notification. For example, construction-related delays at the railroad grade separations that lead to State Route 99 freeway interchanges will require CMS placement to the east to allow drivers to make alternate route decisions. In the case of work on Shaw Avenue, recommended placement would be a CMS at Shaw Avenue just east of State Route 41 and a CMS at Shaw Avenue just east of Palm Avenue. Similar CMS usage shall be required along Ashlan Avenue, Clinton Avenue, McKinley Avenue, Olive Avenue and Belmont Avenue.
- The CHSRA in conjunction with the City of Fresno, Public Works Department shall develop a traffic management plan on surface transportation network to minimize potential impacts on public safety services.
- During project construction alignment of roadways to be grade-separated and freeway overpasses to be reconstructed shall be offset from the existing alignment to greater facilitate stage construction wherever possible. In particular, Clinton Avenue over State Route 99 and Ashlan Avenue over the Union Pacific Railroad shall be offset from their existing alignments to allow for the existing roadway to remain open while the new structure is being constructed. It is recognized by the City that this type of staging may necessitate temporary ramps to and from State Route 99 during various phases of construction. Four travel lanes shall be maintained from 7:00am-9:00am and from 4:00pm-6:00pm on Shaw Avenue from Cornelia to Blythe Avenue (at UPRR), on Ashlan Avenue from Parkway to Valentine Avenue (at UPRR) and on Clinton Avenue from Marks Avenue to Weber Avenue (at SR-99).
- The Veterans Boulevard overpass and construction of new alignments of Golden State Boulevard and Bullard Avenue shall be completed and open to traffic prior to the closure of the Carnegie Avenue at-grade railroad crossing.
- One lane of traffic in each direction must be maintained at all times for Olive Avenue and McKinley Avenue for the construction of the proposed grade separations. No full

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closures of these crossings shall occur, with the exception of short duration closures of less than 72 hours not more than once per month.

- During any Belmont Avenue closures that are determined to be necessary, the adjacent crossings of Olive Avenue and Divisadero Street shall remain open with no lane closures at the two crossings.
- In regards to the existing railroad crossings at Divisadero, Tuolumne and Stanislaus, two of the three crossings shall remain open at any given time.

Furthermore, the HST project has the potential to cause enormous disruption to east-west roadways in the City of Fresno. The Draft EIR/EIS has failed to analyze the construction impacts and to determine appropriate mitigation measures to traffic, air quality, public safety, emergency response and impacts to businesses who may lose significant amounts of business, or go out of business due to the HST construction impacts. In order to work toward mitigating these impacts, the City both recommends and requests that the HST project incorporate the full construction of Veterans Boulevard between Shaw Avenue and Herndon Avenue, including the new freeway interchange at Veterans Boulevard and State Route 99, with the grade separation at the HSR/UPRR crossing and connections to Golden State Boulevard, as shown in the Veterans/99 Project Report, with six lanes on Veterans Boulevard between Barstow Avenue and Bullard Avenue, with four lanes between Shaw and Barstow as well as four lanes between Bullard and Herndon Avenue. Veterans Boulevard should be fully constructed prior to the grade separation work occurring at Shaw Avenue or Ashlan Avenue.

Section 3.2.7 of the Draft EIR/EIS identifies TR MM #6, "Modify Signal Timing", as a proposed mitigation measure for certain intersections. The City disagrees with this proposed mitigation measure and as a rule does not accept this for private development projects nor for projects proposed by other governmental agencies. The analysis and proposed mitigation measure is flawed in that it does not represent an "apples to apples" analysis of the intersection level of service (LOS) before and after the high speed rail project. Optimized signal timing, incorporating the City policies on minimum green times for certain movements, staying within allowable cycle lengths for the overall signal and so forth, should be a given for existing, existing plus project and future scenarios. Specifically intersection #9, Figarden/Bullard, is being affected by the proposed closure of the Carnegie Avenue/UPRR crossing, which will re-direct some traffic to Veterans Boulevard but some along Bullard Avenue to the Figarden/Bullard intersection. Physical improvements at the intersection need to be made to mitigate the impacts to this existing signalized intersection. The logical improvements to be considered in the EIR/EIS are dual left turn movements to serve the eastbound and northbound movements.

Furthermore in Section 3.2.7, the Draft EIR/EIS identifies a number of proposed future traffic mitigations. The currently proposed mitigation measures fail to provide adequate traffic mitigation, either due to not going far enough to address the needs, not addressing specific performance standards or criteria for such future mitigation measures, or the measures fail to be consistent with the City's adopted General Plan and associated policies. The proposed measures need to be modified as follows in order to provide adequate mitigation measures:

- Intersection #1, Golden State and Santa Ana Avenue: This intersection should be signalized with construction of the Shaw Avenue grade separation. The improvements to Golden State to provide two northbound left turn lanes and the improvement of Santa Ana to provide two westbound receiving lanes, needs to be part of the Shaw Avenue grade separation and High Speed Rail project's initial construction.

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- Intersection #2, Cornelia and Santa Ana: the City has developed a curved alignment to connect these two roadways and thus a signalized intersection would be avoided. The realignment should be incorporated into the initial HST project construction.
- Intersection #3, Cornelia Avenue and Shaw Avenue needs to be designed to meet LOS standards in the future condition. To avoid greater right-of-way acquisitions, the City would be willing to accept LOS E rather than D at Cornelia/Shaw in the future condition, but LOS F would not be appropriate as it would violate the City's 2025 General Plan.
- Intersection #5, Blythe Avenue and Shaw Avenue: In subsequent discussions with the Authority's engineering consultants, it has been determined that the Shaw Avenue profile could be modified to bring Shaw down more quickly (i.e. closer to 5%) and thus be able to retain a Jennifer Avenue connection to Shaw Avenue. The City would want to see the Jennifer connection to Shaw as a right-in, right-out intersection, not retaining the Shaw/Jennifer existing EB left turn lane because of the vertical curve, stopping distance and traffic safety concerns. Thus the traffic modeling should be modified to preserve Shaw/Jennifer with westbound rights and southbound right turns allowed. The full closure of Jennifer Avenue at Shaw Avenue has the potential to adversely impact businesses in the area due to loss of circulation and would increase the amount of traffic using Blythe Avenue north of Shaw Avenue which does not have the capacity for these additional movements, both in terms of volumes and capacity for stacking at turn pockets, as evidenced by the HST project traffic impact analysis. The City notes that even with the required connection to be preserved at Shaw and Jennifer, the LOS at Blythe and Shaw will be impacted by the high speed rail project and the mitigation measures should be revisited to evaluate a second eastbound left turn lane from Shaw to Blythe.
- Intersection #7, Cornelia Avenue and Golden State Boulevard: The signalization of this intersection will be needed with the Shaw Avenue grade separation and needs to be included in the initial project construction.
- Intersection #14, Veterans Boulevard and Bullard Avenue: The City takes exception to the consultant's analysis and disagrees with any future need for grade-separating the through movement on Veterans Boulevard from Bullard Avenue. A thorough analysis is contained within the Traffic Operations Report (TOR) for the Veterans/SR-99 interchange project which shows this future intersection of Veterans and Bullard/Bryan operating acceptably in the future year conditions.
- Roadway #5, Veterans Boulevard between Golden State and Bullard Avenue: The City takes exception to the consultant's analysis and disagrees with any future need for eight lanes instead of six lanes on Veterans Boulevard within this roadway segment. The analysis that is contained within the Traffic Operations Report (TOR) for the Veterans/99 interchange project indicates acceptable LOS in future year operations, contrary to the analysis contained within the HST traffic impact analysis.
- Intersection #11, Clinton Ave/Weber Ave: The mitigation measure to install eastbound dual left turn lanes for the HST project is supported by the City, but the mitigation measure as presented is unclear, in that the engineering plans in the technical appendix need to be updated to reflect the intersection improvements being done as part of the project.
- Page 3.2-111, Mitigations for 2035 with project v. 2035 no project scenarios: The City is concerned that the DEIR/EIS does not prescribe a method for implementing these mitigation measures. This project is being funded with one-time money for this segment and assuming other project segments are funded in a similar manner, those Federal

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- dollars may not be eligible to implement future year mitigations for a previously constructed project segment, thus creating a CEQA/NEPA issue for these traffic impacts. Furthermore the HST project's reconfigurations, realignments and road closures represent alterations to traffic patterns that will be permanent upon project completion, thus creating the impact at the time of project construction. Therefore the project must either construct these mitigation measures now with initial project construction, or create a legally binding and enforceable agreement between the State of California and City of Fresno for the construction of these improvements upon 180 days notice by the City when traffic conditions warrant the particular improvements. Such an agreement should be consistent with existing case law (Anderson First) and should be entered into prior to certification of the EIR/EIS. The City is concerned that although the grade separation of Olive Avenue and the UPRR/HST corridors will also grade-separate the Olive/Golden State intersection, the redistribution of turning movements from Olive/Golden State to the Olive/West intersection does not appear to have been evaluated. The intersection of Olive Avenue and West Avenue should be signalized by the HST project to mitigate this traffic impact.
- Furthermore this grade separation of Olive Avenue will shift the left turning movements between Olive and Weber to the adjacent intersection of Olive and Fruit, which has permissive phasing and not protected left turn phasing. The HST project should install protected left turn phasing at Olive and Fruit to mitigate this traffic impact.
 - The City is concerned that although the grade separation of McKinley Avenue and the UPRR/HST corridors will also grade separate the McKinley/Golden State intersection, the redistribution of these traffic movements to the new McKinley Avenue connector does not appear to have been analyzed at the new intersection with McKinley Avenue. The HST project may potentially create the need for signalization of this new intersection along with the SR-99 northbound off-ramp to McKinley Avenue intersection which may require signalization as well. On the east side, the City previously installed protected left turn phasing at McKinley Avenue and West Avenue, so although the redistributed traffic should be evaluated by the EIR/EIS, we do not anticipate operational problems at that location at this time.
- Pages 3.2.115-119 of Section 3.2.7 discuss the mitigation measures necessary for the area surrounding the Downtown Fresno Station. The proposed mitigation measures fail to provide adequate traffic mitigation, either due to not going far enough to address the needs, not addressing specific performance standards or criteria for such future mitigation measures, or the measures fail to be consistent with the City's adopted General Plan and associated policies. The proposed measures need to be modified as follows in order to provide adequate mitigation measures:
- Intersection #6 (SR 99 NB Ramps/Ventura Ave): The intersection will meet signal warrants at the time of HST project completion. Road closures will increase traffic to this location and therefore the HST project should install the traffic signal with the initial project construction.
 - In regards to Table 3.2-53, "Future (2035) Plus Project Mitigation Measures – Fresno Station", the City is concerned that the DEIR/EIS does not prescribe a method for implementing these mitigation measures. This project is being funded with one-time money for this segment and assuming other project segments are funded in a similar manner, those Federal dollars may not be eligible to implement future year mitigations for a previously constructed project segment, thus creating a CEQA/NEPA issue for

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these traffic impacts. Furthermore the HST project's reconfigurations, realignments and road closures represent alterations to traffic patterns that will be permanent upon project completion, thus creating the impact at the time of project construction. Therefore the project must either construct these mitigation measures now with initial project construction, or create a legally binding and enforceable agreement between the State of California and City of Fresno for the construction of these improvements upon 180 days notice by the City when traffic conditions warrant the particular improvements. Such an agreement should be consistent with existing case law (Anderson First) and entered into prior to certification of the EIR/EIS.

- The widening of a number of intersections and roadways would conflict with the City's 2025 Fresno General Plan. Existing Plan policies giving the highest priority to street improvements that will not jeopardize or negatively impact neighborhoods (GP E-1-c). General Plan E-1-j Policy is directing pedestrian and other non-motorized travel enhances complimenting safety and efficiency of the street system. The Central Area Community Plan, Transportation, Circulation and Parking chapter articulates one major objective by promoting pedestrian circulation and activity taking full advantage of the aesthetic and convenience potentials. The Community Plan goes on to express the importance of a user friendly circulation system and the linkage between local street patterns, traffic and pedestrian flow to a major activity center. None of these policies will be satisfied if overpasses are constructed with 30 foot berm which eliminates direct street access and re-routes local traffic through adjacent properties. Overpasses which are not ADA accessibly, walkability or conducive to non-motorized travel clearly conflicts with existing general and community plan policies. There are no technical studies, substantial evidence or discussion (e.g. cueing studies, traffic counts, evaluation of properties adjacent to the proposed take-off or landing points of the overpass, calls for graffiti removal, urban decay, potential aesthetic impacts, division of an existing neighborhood) to substantiate the conclusion that an overpass would reduce impacts, compared to an underpass option. Therefore, the City would not be supportive of widening following intersections and roadways, specifically:
 - Intersection #21, H Street and Kern Street
 - Intersection #25, H Street and Tulare Street
 - Intersection #26, Van Ness and Tulare
 - Intersection #42, Van Ness and Fresno
 - Intersection #66, Van Ness and Divisadero
 - Intersection #74, Blackstone and Belmont
 - Roadways: We do not support the widening of Tulare Street to six lanes between Broadway and Van Ness, nor do we support the widening of Divisadero to six lanes between Fresno Street and SR-41.
- Intersection #24 would have to be a grade-separated intersection as only the underpass (Tulare going under HST and UPRR) is viable for Tulare Street. The EIR/EIS fails to address the impacts that would be created by an overpass at this location, such as historic impacts to the Fulton Mall, impacts upon stadium and parking garage operations, loss of circulation to businesses and visual impacts associated with an elevated structure in close proximity to the main stadium entry. There are no technical studies, substantial evidence or discussion (e.g. shadow analysis, calls for graffiti removal, urban decay, potential aesthetic impacts, division of an existing neighborhood) to substantiate the conclusion that an overpass would reduce impacts, compared to an underpass option.

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- Why does the consultant believe that split phasing would be appropriate as a mitigation measure for intersection 46 (Fresno and Divisadero)? This would seem to create a long cycle length and poor and unacceptable LOS operations. Other options should be considered as in reality this would tend to worsen, rather than improve LOS at this location. The City requests further evaluation and revising of this mitigation measure to an option that does not involve split phasing of this intersection due to operational concerns.
- Intersection #63 (H and Divisadero) is being proposed for extensive widening (i.e. triple rights, dual lefts, etc.) This mitigation measure may fit the CEQA definition of feasible, however does not consider potential significant impacts (dividing an existing community, or create inconsistency with the City's Bicycle, Pedestrian and Trail's Master Plan). Therefore, The City recommends the Authority evaluate a roundabout at this location to provide adequate LOS without the significant amount of RW acquisition which would be necessary to implement the consultant's recommended "improvements".

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SECTION 3.4: NOISE

Section 3.4 includes discussion indicating that the track was assumed to be on an aerial structure wherever top-of-rail elevations are more than fifteen feet above existing grade. The City of Fresno is requesting additional analysis regarding the effects of vibration at the approach and sub-grade along Golden State Boulevard between Belmont and Olive Avenues. There is no substantial evidence, technical study or discussion of the potential impact of ground vibration impact within the existing park setting, sensitive users and exotic animals.

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SECTION 3.6: PUBLIC UTILITIES AND ENERGY

The City notes that Section 3.6 attempts to describe the potential impacts and mitigation measures for public utilities and energy. The City has several comments on the Draft EIR/EIS pertaining to the City sewer and water systems:

- The locations and sizes of major sewer lines should be identified that cross the study area.
- In order to avoid sanitary sewer overflows and protect public health, thereby seeking to mitigate potential impacts of the HST project, it is essential for the City to be able to adequately clean and maintain the sewer collection system. To facilitate those maintenance efforts there must be ready access to the system as follows:
 - Any change in direction of the sewer collection system must occur at a manhole to allow access to each reach for inspection and cleaning.
 - Any new sewer collection system manhole or structure installed with the project must be located to allow ready access by City of Fresno Collection System Maintenance crews, equipment, and vehicles. Access must allow for the proper, safe, and efficient orientation of equipment and vehicles. This includes acquiring any necessary right-of-ways or easements.
 - The construction of any new structures associated with the project must not impact ready access to existing sewer collection system manholes or other sewer collection system structures by City of Fresno Collection System Maintenance crews, equipment, and vehicles. Access must allow for the proper, safe, and efficient orientation of equipment and vehicles. This includes acquiring any necessary right-of-ways or easements. Any proposed bypass during

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- construction of new mains would be subject to the requirements of the City of Fresno.
- The HST project has the potential to both impact the integrity of the existing mains and thus impact public health and safety, as well as to restrict the City's future growth through construction of the HST corridor which could preclude the installation of new mains across the HST right-of-way. Therefore we believe the following mitigation would be appropriate for public utilities:
 - All existing and Master Planned sewer, water, and recycled water facilities crossing the existing tracks and future HST tracks shall be required to have steel casings. Any relocation or abandonment of existing water and/or sewer lines shall be required to maintain service to all parcels. Replacement lines must be constructed to City of Fresno Standards. Also, all existing valves, manholes, and any other above ground appurtenances shall be relocated outside of the proposed HSR ROW. HSR shall provide steel casings crossing the alignment of the HSR for future recycled water lines.

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SECTION 3.8: HYDROLOGY AND WATER RESOURCES

The City of Fresno Water Division has reviewed the California High Speed Train Environmental Impact Report/Environmental Impact Statement-Merced to Fresno segment. Based upon the City's review of the DEIR/EIS, the proposed project has the potential to greatly impact the operation of the City of Fresno water system. However, with appropriate mitigation measure those impacts could be reduced to less than significant. The City's comments and recommendations are as follows:

1. The HST will cross or displace through the relocation of roadways numerous existing water mains. These mains are critical to the overall performance of the water system as they are generally near the UPRR and Freeway 99 alignments. Water main crossings of these existing alignments are currently limited and therefore need to be maintained to ensure adequate water system distribution east and west of these alignments.
 - a) Existing water mains crossing the proposed HST alignment shall be maintained by reconstructing them in steel casings to allow the City of Fresno to maintain these facilities from outside the HST right-of-way.
 - b) Related water system appurtenances such and valves, blow-offs, air release assemblies, etc., shall be relocated outside the HST right-of-way.
 - c) Where water main crossings will exist outside the public right-of-way, the project shall provide dedicated water main easements to the City for the ongoing operation and maintenance of the facilities.
 - d) The must City reserves its right to increase the size of existing crossings or propose additional crossings as necessary to ensure existing levels of water service are maintained.
 - e) The City has previously provided to the Authority with a list of existing water mains that will be impacted by the proposed HST alignment. It should be noted that this list is based upon a

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cursory level review and that other water main crossings may be identified as the project progresses.

2. Due to ongoing planned water system capital improvement projects and anticipated future growth within the City of Fresno 2025 Fresno General Plan boundary, the Water Division will require the installation of steel casings to accommodate future water mains to be constructed after completion of the HST. As the project progresses, it is possible that additional locations may be identified and shall be included in the HST project.
3. Due to the significant number of potential water system impacts related to the proposed HST project, the Water Division requests the opportunity to complete the design of water facility improvements by utility or reimbursement agreement. Should the design of water facility improvements be completed under the HST project, all design documents shall be subject to approval by the City of Fresno Director of Public Utilities or his designee.
4. The Water Division is presently designing a 24-inch water main that will originate in West Fresno at the intersection of N. Hughes Ave/W. Olive Ave and terminate in downtown Fresno at the Water Division's proposed 3MG Water Storage Facility located at 401 H St (See the attached exhibit). The project design is currently at the 60% stage. Existing design documents for the 24-inch water main show the main crossing the proposed HST alignment at Mono St between G St and H St. This crossing will require a minimum 36-inch steel casing within the proposed HST right-of-way. Additionally, the 24-inch main is currently proposed in the G St alignment paralleling the proposed Fresno Train Station alternative at G St/Tulare St. Due to the limited information provided regarding the Train Station footprint and potential impacts to the G St. right-of-way, further information is requested by the Water Division to ensure the least possible impacts to the design, construction, and operation of the proposed 24-inch water main. At this point in time, the Water Division estimates that construction of the 24-inch water main will precede construction of the HST.

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SECTION 3.11 SAFETY AND SECURITY

The Draft EIR/EIS includes Table 3.11-3 concerning Fire Departments and Equipment. The City has noted items in this table that need to be corrected:

Service Area:

City of Fresno and adjacent Fresno County areas under contract with the North Central Fire Protection District and Figarden Fire Protection District.

Equipment:

- 19 engines
- 5 ladder trucks with at least 85 feet reach
- 1 USAR (urban search and rescue) apparatus
- 2 water tenders
- 2 hazmat apparatus
- 2 brush rigs for vegetation fires
- Hazmat decontamination trailer
- Light and air unit

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In Section 3.11.4.1, the following information should be added:

- The Fresno Fire Department is certified as a Type 1 Heavy Rescue and Regional Response Forces with specialized rescue equipment and contracted access to additional equipment, such as industrial cranes, as needed to respond to rescue emergencies in the Fresno County line to Merced HST corridor through mutual aid as requested.
- Within the City of Fresno, there are significant emergency responses and fire protection infrastructure issues created by the Shaw overcrossing and cul-de-sac installations on N. Parkway between W. Ashlan and W. McKinley. Issues include over-length cul-de-sacs, elimination of access to public hydrants, elimination of required second access points to parcels, and locking parcels out of access to public streets. These issues need to be discussed in detail with City of Fresno Public Works and the Fresno Fire Department.
- Within the City of Fresno, proposed new grade separations for HST and the UPRR will result in a net overall reduction in response times throughout the HST corridor, however the closure of the Divisadero at grade crossing will increase the time needed to deliver an a full initial first alarm assignment to the area west of the closure.
- The roadway connection between Divisadero and G Street up to Belmont Avenue and Wesley Avenue needs to be substantially improved in order to provide an alternate route for emergency responders through the area. The EIR/EIS should evaluate and consider the type of improvements that may be necessary, such as adequate paving surfaces and travel lane widths to convey the kind and quantity of traffic to be re-routed through these other street connections as a result of the Divisadero closure.

SECTION 3.12: SOCIOECONOMICS, COMMUNITIES AND ENVIRONMENTAL JUSTICE

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In Section 3.12.4.1, Regional Population Characteristics, this section references the 2000 US Census. The 2010 US Census is now available and should be used to update this entire section. Projected population growth may be lower than estimated, which would further substantiate project impacts.

Concerning Poverello House as a women's shelter, the City wishes to note that Poverello House serves three meals a day, 365 days a year, to anyone in need; offers free medical and dental care through the Holy Cross Clinic; provides showers and laundry services to the homeless; serves as a day shelter and safe haven for people on the streets, houses a 28-bed residential alcohol and drug rehabilitation program, and a five-bed transitional home; distributes free clothing; provides recreation, mail service, transportation, and, in 2004, opened the Village of Hope, a temporary overnight shelter for homeless people who want an alternative to the streets.

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The City also has concerns regarding the sufficiency of analysis associated with the significant impact of the project on the human and physical environment, including the need for a comprehensive economic analysis of the project's impacts as well as the significant impacts on displaced, relocated or closed businesses. At a Special Meeting conducted on October 13, 2011, the Fresno City Council adopted a motion finding that the DEIR/EISs are legally inadequate as currently drafted.

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As a preliminary matter, the DEIR notes the "economic and social changes resulting from a project shall not be treated as significant effects on the environment." However, an EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis must be on the physical changes, and there must be substantial evidence of those physical changes. In this regard, economic or social effects of a project may be used to determine the significance of physical changes caused by the project.

Here, the construction of HSR divides the existing City community, creating a physical change, but the social and economic effect on the community would be a basis for determining that the effect would be significant. Where an EIR uses economic or social effects to determine that a physical change is significant, the EIR is required to explain the reason for determining that the effect is significant. Further, economic, social, and particularly housing factors shall be considered together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. The EIR should contain information on these factors, and should be supported by substantial evidence to support the analysis. (See CEQA Guidelines §15131.)

While CEQA does not require technical perfection in an EIR, it does require adequacy, completeness, **and a good-faith effort at full disclosure.** (CEQA Guidelines §150039(i).) Here, the City has concerns regarding the sufficiency of analysis and the adequacy of mitigation measures including the following issues:

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1. **Complete "Corridor" Analysis For the City of Fresno:** The City of Fresno serves as a juncture for the Fresno to Bakersfield HST Section and the Merced to Fresno HST Section. A draft EIS/EIR has been prepared for each of the Sections, both of which analyze slightly overlapping portions of the HST corridor through the City, but not all of it. However, the City is not physically divided into two sections, nor is the commercial and industrial business community along the HST corridor, and the City is a single jurisdiction wherein property and sales taxes are applied throughout the community. As a practical matter, the split analysis used by the draft EIS/EIRs has the effect of assessing only a divided portion of the community, including the significant number commercial and industrial business community located along the HST corridor, which artificially reduces the significance of impacts and results in less-effective mitigation measures. For example, the total number of displaced commercial and industrial businesses within the City is not assessed by either EIS/EIR. Further, it is difficult to determine the combined total impact as the EIS/EIRs for Merced to Fresno HST Section breaks down the number of displaced/relocated businesses for other jurisdictions – but does not appear to provide the same information for the City of Fresno. This information might be capable of being derived by reviewing the details of supporting technical studies, but is not readily available. To ensure the EIS/EIRs adequately assess the full impacts of the project, the City recommends Section 3.12 of the EIS/EIR be updated to include a unified and complete analysis of the of the entire portion of the HST corridor within the jurisdiction and sphere of influence of the City of Fresno, and to present the summary of those findings and analysis in a clear and readily assessable manner.

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2. Economic Analysis: The economic analysis, including property and sales tax, is not comprehensive and appears incomplete. This seems to be a systemic issue with Section 3.12. For example, the draft EIS/EIR does not quantify loss of value of property adjacent to the project. Even without this data the draft EIS/EIR still purports to estimate a total loss of tax revenue – based on 2009 tax data averaged across multiple counties - which offsets the loss of higher value property with lower value property in other regions. In addition, HSR properties would also be permanently removed from the tax rolls. However, the draft EIS/EIR does not appear to state the amount of impact, but does assert the impacts would eventually be offset by a multi-county average 3% increase in population almost a quarter century from now. No mitigation is provided for the intervening period, nor are the funds adjusted to reflect the time-value of money. An increase in property values may be associated in the area around the station, but both EIS/EIRs appear to use this to offset loss of property values for their section, effectively counting the increase in value twice. This would be resolved by a single analysis for the entire HST corridor in the City. The EIS/EIR also acknowledges that some businesses will close as a result of the project and/or contemplates relocation of projects out of the City's jurisdiction by up to 50 miles, but neither calculations as to the number of these businesses closures are provided (including the effect of requiring a relocated business or home-owner to immediately pay off a security interest or mortgage on a property that is "upside down" resulting in a number of operations being driven out of business or being able to obtain credit to secure equivalent commercial space or housing), nor are estimates as to the impact it would have on the City's property and sales tax revenue. Lost wages and revenues due to closure, displacement or relocation, including impacts on the environment, should also be assessed.

These sorts of general estimates do not adequately assess project-level impacts, and as a result, the City is unable to determine whether there will be funding available for public facilities, infrastructure, services and other needs to address the impacts caused by the project or if the draft EIS/EIR analysis is adequately addresses these issues. The City recommends a comprehensive, project-level, economic analysis that assesses all the economic impacts from the project within the jurisdiction of the City and its sphere of influence, including both immediate, intermediate and long term impacts, including impacts on sales tax and property tax revenues to the City, and uses the most current and updated data available. Mitigation measures to reduce these impacts to less than significant, and ensure the City remains whole to provide adequate funding for operation and maintenance of public facilities and services, must also be included.

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3. Urban Decay Analysis: In conjunction with the economic analysis issues, the draft EIS/EIR does not appear to assess the physical deterioration impacts caused by displacement, relocation or closure of businesses. Likewise, the analysis also does not assess the impact of the project along the entire HST corridor within the City of Fresno, thereby reducing significance of impacts. To ensure sufficiency of the EIS/EIR, the City recommends analysis to include physical changes to the environment caused by the closure, displacement or relocation of businesses for the entire HST corridor within the jurisdiction and sphere of influence of the City of Fresno.

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4. Methodology for Estimating Impacts: The number of displaced businesses and employees appear to be based on estimates derived from aerial photographs, conceptual engineering plans, profiles and right-of-way data showing potential parcel alternatives. If this is the extent of the information, and the analysis is based on such estimates, then the EIS/EIR

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does not adequately assess current baseline conditions and project impacts required for a project-level analysis. Actual, specific and reasonably available data is the superior alternative as compared to estimates derived from photographs and planned uses. To ensure sufficiency of this project-level EIS/EIR, the City recommends either field visits or direct communication with all businesses anticipated to be displaced or relocated by the project to determine specific data including i) the actual type of business being operated; ii) the number of employees actually employed; iii) the nature and type of entitlement (conditional use permit, etc.), if any, allowing for operation of the business in the zoned district; and iv) any attributes of the business which may limit or restrict its options with regard to relocation (e.g., a need for direct access to a freight rail spur, special equipment requiring a building of unusual height or length, materials requiring special infrastructure or treatment, silos or specialized storage facilities, larger yards to accommodate heavy equipment parking and maneuvering, etc.).

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5. Infrastructure Analysis: In assessing relocation, the draft EIS/EIR reviewed the availability of commercial, retail and office space buildings, as well as commercial and industrial businesses. These numbers appear to be based on vacancy rates in the same zip code with the NAICS codes of the businesses being relocated shortened to only two digits and then grouped into similar functional requirements. However, the NAICS numbering system employs six-digit code at the most detailed industry level, with the first two digits designating the largest business sector, the third digit designating the subsector, the fourth digit designating the industry group, and the fifth digit designating particular industries. By reducing the NAICS codes to only two digits, only very general categories of businesses are analyzed, such as "retail trade", rather than the full five digit designation within the retail trade category which contains a wide variety of uses from a supermarket (445110), computer store (443120) and automotive parts (441310). As a result, reducing the NAICS codes to only two digits to analyze vacancy rate availability does not address whether there are actually vacancies for the particular type of business use being displaced.

The City recommends additional analysis – using the complete six-digit NAICS number code - to determine if relocation is actually feasible including i) whether the relocation buildings have compatible infrastructure to allow for the relocated business to physically continue to operate (see examples discussed in the item above); ii) whether the relocation buildings allow for the same land use consistent with the City's zoning ordinance, 2025 General Plan, and applicable community and specific plans; iii) the economic viability of operating in the relocation area; and iv) whether the number of relocation buildings comply with current safety and entitlement requirements necessary to commence relocation in that structure (i.e., sidewalks, fire sprinklers per current requirements, special water supply or sewerage requirements for certain uses, etc.).

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6. Economic Setting/Employment Data: Employment data for the City of Fresno references 2000 and 2002 data. The draft EIS/EIR also notes a change in economic conditions since that time resulting in the current economic downturn. Updated data, if available, should be used to ensure an accurate baseline for analysis of project impacts.

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The Proposed Mitigation is Inadequate

In addition the City's concerns regarding the adequacy of the economic analysis contained in the EIR/EIS's associated with the displacement of businesses and economic

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impacts, the City has concerns that the measures proposed to mitigation these impacts are inadequate. In addition to stating that the Lead Agency will fully comply with the requirements set forth in the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. Chapter 61) ("URARPA") and the California Relocation Assistance Act (Government Code, section 7260 et seq.) ("CRAA") see MFEIR, pp. 3.12-59-3.12-60, the EIRs contain the following mitigation measure:

SO-MM#2: Develop a relocation mitigation plan. Before any acquisitions occur, coordinate with affected communities and counties to develop a relocation mitigation and enhancement plan that will (1) arrange for meetings with affected property and businesses owners and tenants to provide counseling and assistance in applying for funding, including research to summarize loans, grants, and federal aid available, and research of demographically similar areas; and (2) collaborate with affected communities to develop enhancements and address indirect social and psychological impacts on communities. Provide housing of last resort if required.

This mitigation measure fails to meet the minimum requirements for such mitigation and constitutes deferral of mitigation. This mitigation measure defers to the future the development of a program to provide information and advice to individuals and businesses that will be displaced by the HSR. Furthermore, this mitigation measures does not contain any specific performance measures. As such, it is inadequate.

Compliance with the "URARPA" and "CRAA" will also not serve to fully mitigate the impacts to individuals, businesses and communities in which those individuals and businesses are located. This is for the following reasons:

1. The URARPA and CRAA place unrealistic caps on the amount of money the Authority will pay to compensate displaced businesses that relocate. One example of an unrealistic cap is the cap of \$10,000.00 that the URARPA and CRAA will compensate displaced businesses for "actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site." (See URARPA, section 4622(a)(4), CRAA, section 7262(a)(4), Appendix 3.12-A to EIR/EIS, section entitled "Reestablishment Expenses"). \$10,000.00 is unrealistically low because of the possibility that businesses and/or non-profit organizations may need to obtain special permits or other development entitlements from the City of Fresno (e.g. conditional use permit, site plan, variance, rezone, plan amendment) in order to lawfully operate on another parcel within the City of Fresno. The costs associated with obtaining these special permits or other entitlements can easily far exceed the \$10,000.00 cap, especially if significant environmental review pursuant to CEQA is required. Attached to these comments is a copy of the portion of the City's Master Fee Schedule that sets forth the costs associated with processing various Special Permits and other entitlements for your review and consideration. As such, the nature and extent of the compensation available to displaced individuals, businesses and non-profits needs to be reevaluated and increased as necessary to amounts that will fully compensate for all actual costs associated with the displacement or relocation.

2. Neither the URARPA, CRAA or SO-MM #2 address the potential adverse impacts on the communities in which businesses and non-profits to be displaced operate if the

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business or non-profit chooses either to shut-down permanently or relocate to a location outside the jurisdiction where the business or non-profit was originally located once the Authority takes the property on which they operate. According to the Relocation Assistance Program Brochures, Appendix 3.12-A, the Authority could actually facilitate businesses relocating away from the City of Fresno as it will compensate a displaced business or non-profits for the costs of moving within 50 miles of the business or non-profit's current location. The potential for lost sales tax and property tax revenues to the City of Fresno, as well as the corresponding job losses, resulting from businesses that shut-down completely or choose to relocate outside of the City of Fresno constitutes a potential adverse economic impact. Specifically, it could result adverse economic and physical impacts in the form of urban decay, as not only will the City be dealing with trying to maintain the areas outside the HSR right-of-way that now lay vacant because of the dislocated businesses and non-profits, but it also faces a significant reduction in tax revenue that would otherwise be available in its general fund to pay for the cost of maintaining these areas so as to avoid the incidences of urban decay, including graffiti, vandalism and illegal dumping.

Both the URARPA and CRAA state that the intent of these Acts is to minimize the adverse impact of displacement which is essential to maintaining the economic and social well-being of communities. (See, URARPA, section 4621(a)(4) and CRAA, section 7260.5(a)(4).) However, as discussed above, in the context of this project strict adherence to the minimum criteria established by URARPA and CRAA will not adequately minimize the adverse impacts to the City of Fresno due to displacement.

To provide further assurances that the City of Fresno, as a community, will be held harmless by the dislocations resulting from this project, Mitigation Measure SO-MM#2 must be significantly modified to include as a performance measure, the establishment as a primary goal of the relocation program to minimize as much as conceivably possible the actual shutting down of businesses and/or non-profits, and ensuring that as close to 100% of the displaced businesses and non-profits in the City of Fresno that are displaced are relocated to suitable and economically viable locations within the City of Fresno. To ensure the success of this goal, the Authority should strongly encourage the State Legislature to adopt various financial incentives for dislocated businesses to relocate within the same jurisdiction their businesses were originally located.

3. The relocation planning, assistance coordination, and advisory services required by the URARPA and CRAA does not constitute adequate mitigation as these Acts merely state that the Displacing Agency, in this case the Authority, must develop a program in the future that ensures that certain information and services are provided to individuals, businesses and non-profits to be displaced. (See URARPA, section 4625(c) and CRAA, section 7261(c).) However, the measure defers the establishment of this program to some unknown time in the future, fails to set forth any specific performance measures, and fails to mandate the necessary funding and dedicated personnel for this relocation assistance program.

4. Nothing in the mitigation proposed addresses the potential for individuals and businesses experiencing a significant increase in the property tax basis as a result of having to acquire new property at a higher price for purposes of relocating or having to construct new buildings to replace buildings acquired by the CHSRA. This could potentially result in significant increases in the property tax liability of individuals and businesses that relocate.

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In summary, the Authority's reliance upon its compliance with the URARPA, the CRAA and proposed mitigation measure SO-MM-#2 are insufficient to adequately mitigate the significant adverse impacts associated with the project and displacement of individuals and businesses. Accordingly, the City of Fresno respectfully requests that mitigation measures substantially in the form set forth below be added to the both EIR/EISs:

Proposed Additional Mitigation Measures:

Mitigation Measure No. 1: Prior to the Authority's certification of the EIR/EIS for the Bakersfield to Fresno Section and the Merced to Fresno Section, the Authority shall enter into an agreement with the City of Fresno and other relevant organizations, as authorized by URARPA Section 4632 and CRAA Section 7261.5, including the Economic Development Corporation serving the County of Fresno, in which the Authority will agree to the following:

1. The CHSRA will use its best efforts and draft its policies related to relocation assistance to minimize as much as feasibly possible the actual closure of displaced businesses and non-profits within the City of Fresno and to maximize the number of displaced businesses and non-profits that relocate to locations within the City of Fresno.
2. The CHSRA will raise the reimbursement caps set forth in the URARPA and CRAA related to compensating displaced businesses and non-profits to amounts that will realistically compensate the business or non-profit for the actual costs of relocation, including those costs associated with obtaining the necessary special permits, entitlements and building permits to legally operate at a new location within the City of Fresno or construct new buildings on the original site to replace buildings that were acquired by the CHSRA. The special permit, entitlement and building permit costs would include any costs to construct or install additional improvements, such as curbs, gutters, sidewalks, required as a condition of approval of the special permit, entitlement or building permit.
3. The CHSRA shall establish a local relocation advisory assistance office(s) within the City of Fresno to assist with displacement issues and in obtaining replacement facilities for persons, businesses and non-profits which find that it is necessary to relocate because of the CHSRA's acquisition of real property.
4. During the period when any property is being acquired for the project, and not less than a period of 5 years from the date of certification of the EIR/EIS's, the Authority will provide all funding for the City of Fresno to hire qualified personnel, as reasonably determined by the City to be necessary, to expedite the processing and approval of any special permit or other entitlements necessary for a displaced or relocated business or non-profit to operate within the City of Fresno.
5. During the period when any property is being acquired for the project, and not less than a period of 5 years from the date of certification of the EIR/EISs, the Authority will provide all funding for the City of Fresno to hire qualified personnel, as reasonably determined necessary by the City, to expedite the processing of any necessary building permits (including all necessary building inspections) for construction of new structures or the modification or

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expansion of existing structures on property for a displaced or relocated persons, businesses or non-profits to allow continued operation and occupancy prior to the displacement or relocation.

6. The CHSRA will fund City personnel, as reasonably determined to be necessary by the City, to be part of the staff implementing the Relocation Assistance Program for the purpose of explaining to displaced businesses the steps necessary for the businesses or non-profit to relocate within the City of Fresno and the City resources available to assist and expedite the relocation process.
7. The CHSRA shall closely collaborate with the City in preparing a detailed Relocation Assistance Program that includes time frames for implementation and specific performance measures (e.g. business retention within the boundaries of the City of Fresno) that will be included in the Memorandum of Understanding approved by the Authority prior certification of the EIR/EISs. This detailed program shall include funding and resources for the gathering of data for each displaced, relocated or impacted business or non-profits so the City can determine the special permits and entitlements required for the new location as well as a mechanism for establishing which businesses or non-profits should receive priority in processing of entitlement and/or special permit applications. This program shall also specify the number and specialty of each member of the coordinate Authority, City, EDC team necessary to counsel displaced businesses and non-profits, and facilitate and process any applications for financing, special permits, entitlements, etc., for displaced or relocated businesses or non-profits within the City of Fresno.
8. The CHSRA shall use its best efforts to encourage the California State Legislature and Governor to adopt economic and financial incentives for displaced businesses to relocate within the jurisdiction the business was in prior to displacement.
9. The CHSRA shall acquire and pre-entitle commercial and industrial property within the City of Fresno and make this property available to those businesses and non-profits within the City of Fresno that are required to relocate because the CHSRA has acquired their property requiring relocation of the business or non-profit.
10. The CHSRA shall establish and fund an ombudsman, and supporting staff and facilities as may be reasonably necessary, with an office located within the City of Fresno and open to the public during expanded business hours and for a period commencing upon approval of the project until six months after rail service on the HST becomes publically available. The role of ombudsman shall be to answer questions, address citizen concerns and interests, and inform the public regarding specific details associated with all phases of the project, including implementation, construction details (closures, detours, traffic impacts, etc.) and operational aspects of the HST project. The ombudsman shall act as an intermediary or liaison between the CHSRA and the citizens and businesses of the City of Fresno. The ombudsman shall also be able to investigate complaints from the public relating to the HST construction process and attempt to resolve them, including providing recommendations to the Authority, and be able to identify organizational roadblocks running counter to the interests of the impacted community. The ombudsman shall also report directly to the project manager responsible for the construction of all aspects of the HSR sections that are located within the City of Fresno or its sphere of influence. The CHSRA will provide reasonable notice to the public within the City of Fresno, through a local newspaper of general circulation, radio/television announcements,

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billboards or displays, of the existence and general role of the ombudsman and methods of contacting the ombudsman.

Mitigation Measure No. 2: The CHSRA shall ensure that property owners, businesses, non-profits and residents are fully compensated for any increase in tax basis, arising from displacement or relocation and resulting in increased property tax liability, because they either have to relocate to new property that has a higher tax basis or because they have to construct new buildings or facilities on the original sites to replace buildings or facilities that were acquired by the CHSRA.

Mitigation Measure No. 3: The CHSRA shall ensure that owners of property that the CHSRA intend to acquire in whole or in part that are encumbered with mortgages secured by deeds of trusts, notes or other instruments with remaining balances in excess of the fair market value of the property are not financially impacted by having to immediately pay off the remaining mortgage balance in excess of the property's fair market value. CHSRA will either agree to pay the remaining instrument balance, negotiate with the holder of the instrument to reduce the balance to the property's fair market value, or work with the holder of the instrument to transfer the encumbrance to relocation property of equivalent value, such that the displacement or relocation will not result in an additional financial impact.

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SECTION 3.15 – PARKS AND OPEN SPACE

The Draft EIR/EIS states that the Authority will work with the City of Fresno as the park owner to mitigate noise impacts. This impact could be mitigated to less than significant by addressing noise at Roeding Park, unless the City of Fresno declines sound mitigation, in which case the impact would remain significant and unavoidable under CEQA. The CHSRA and the City of Fresno should jointly review the proposed mitigation measures which reduce impacts based upon empirical data. The City is requesting that mitigation be developed with more specificity, prior to the certification of the EIR/EIS. For example, mitigation measure PK-MM#4 proposes to construct a wall from ten to fourteen feet. The result of noise impact significantly changes with these heights.

Section 3.15.4.1 notes that "Roeding Park, a regional park and the first park in the City of Fresno, is part of a local historic district and eligible for the National Register of Historic Places (NRHP)." The City wishes to note that Roeding Park, a regional park and the first park in the City of Fresno, is part of an eligible local historic district and eligible for the National Register of Historic Places (NRHP). The City has not gone through a formal process to establish the District, pursuant to Fresno Municipal Code, Article 16, Historic Preservation Ordinance.

Section 3.15.5.3 notes that "Construction activities would occur adjacent to the eastern boundary of Roeding Park, but no temporary use of parkland for construction purposes is anticipated. Temporary construction impacts such as noise, dust, and visual changes would be minor and would not substantially reduce the value of the resources." The City's response to this statement is first to note that all of the proposed alignments utilize the same space along the Golden State Boulevard segment between Belmont and Olive Avenues, which are immediately adjoining the regional park. To ensure the safety of park user and minimally impact the existing open space would require that a portion of the park would be closed during construction to provide an appropriate barrier between temporary construction activities and

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public access for recreational purposes. The CHSRA and the City of Fresno should develop this mitigation measure related to the necessary spatial requirement and compensation for that temporary use, prior to the certification of the EIR/EIS.

Section 3.15.5.3 indicates that the proposed projects described in the master plans would not conflict with the adjacent HST alternatives, except for the new park boulevard entrance and exit at Golden State Boulevard...However, Golden State Boulevard would be closed under the HST project (i.e. the project would require the closure of the Golden State Boulevard east of Roeding Park, precluding a direct connection). This would therefore conflict and preclude the full implementation of the adopted Zoo Master Plan. The Roeding Park Master Facility Plan and environmental impact report identify the new entry onto Golden State Boulevard as a "first phase priority" with an anticipated completion by 2014 or earlier. This plus the master plan planning horizon of 2020 clearly make this project foreseeable, within the HSR planning horizon of 2035. We recommend a mitigation measure be developed whereby the project compensates the City of Fresno for the redesign of the circulation system, entitlement fees, subsequent environmental review, and possibly reconstruction cost associated with direct modification as result of the project. This mitigation measure should be developed and agreed upon by the parties, prior to the certification of the EIR/EIS.

Section 3.15.6.2 includes Mitigation Measure PK-MM#4. It is assumed that a sound barrier would be 10 to 14 feet tall and have aesthetic treatment. A 10-foot-high sound barrier would reduce noise to 64dBA at 250 feet inside the park and residual noise effects would occur.

A 14-foot-high sound barrier would reduce noise effect effects to within 1dB of no impact. The City's comment on this mitigation measure is that to avoid adverse impacts to the park and its potential historic eligibility we would hope that every effort would be made to retain the bucolic setting of the park by minimizing project effects on mature landscaping, zoo patrons and the animals within the exhibits in proximity to the project. Therefore, the City is recommending that the proposed mitigation measure be modified to state that a 14-foot-high sound barrier will be installed with a minimum five foot landscape buffer to further mitigate potential aesthetic impact. The project would be required to submit a set of landscaping plans to the City of Fresno for review and final approval of planting materials. Such a modification to the mitigation measure would potential reduce park, historic, noise and aesthetic impacts associated with this project.

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SECTION 3.16 – VISUAL AND AESTHETIC

In Section 3.16.5.3 of the Draft EIR/EIS, the document states that "Characteristics of typical HST components as well as the potential to affect the aesthetic environment are listed in Table 3.16-2. (Street Modifications, Retaining Walls)". The Draft EIR/EIS fails to address the visual impacts upon existing neighborhoods and business districts in close proximity to the proposed overpasses/grade separations. At the proposed overpasses for McKinley/UPRR, Olive/UPRR and Belmont/UPRR, existing residential neighborhoods will have their aesthetics altered significantly by the proposed overpasses. The City notes that the plans included in the EIR/EIS propose a vertical retaining wall that would be directly at the backyards of many homes and that "where appropriate, retaining walls would include aesthetic design treatments (such as patterns)" (Page 3.16-26). The aesthetic design treatments would not be adequate to fully mitigate aesthetics and the potential for a socioeconomic impact of urban blight. The walls would not only have the potential to be visually oppressive, but would also be the target for

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graffiti which the City could not afford to keep clear of graffiti. Therefore the project should be constructing underpasses at Olive Avenue and McKinley Avenue if at all possible.

It is recognized that the Belmont underpass conflicts with the HST vertical profile and therefore an overpass would be necessary. However, the Belmont Avenue overpass is proposed to utilize a sheer vertical retaining wall on the Roeding Park side (north) on the west approach to the HST/UPRR crossing. This would contribute to a significant aesthetic impact upon Roeding Park with high concrete walls being constructed on the north, east and south sides of the park. To minimize this significant impact, the Belmont Avenue overpass should be re-evaluated to incorporate a well-designed landscaped embankment on the north side of Belmont for the western bridge approach, utilizing the existing street right-of-way currently occupied by the traffic circle and the Golden State approach roadways, so as not to encroach into any park lands. The tree selection and plantings should be complementary with Roeding Park and designed by a licensed landscape architect. Olive Avenue, as discussed previously, should be an underpass so as to eliminate the aesthetic impact of a high, concrete wall on the north side of the park. This would leave only the 14' high sound wall on the east side, which is needed for noise mitigation but could have its visual impact minimized through incorporation of a mural and well-designed architectural treatment.

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SECTION 3.17 – CULTURAL RESOURCES

The City has a number of comments on this section of the DEIR/EIS as follows:

- The City notes that the Belmont Circle, the Belmont Underpass and Railroad Bridge (all 1932 resources) evaluation for potential historic significance was omitted. The City is recommending that these existing features be evaluated for their potential contribution as a historic resource. This evaluation shall include the preparation of DPR forms and be performed by an individual or firm which meets or exceeds the Secretary of Interior minimum professional standards as part of the environmental compliance for this section of the HSR corridor.
- "Forestiery Underground Gardens is in the direct path of roadway improvements associated with all three alternatives... Construction would result in the physical demolition, destruction, damage or substantial alteration of the northeast corner of the property..." - 1. The City is requesting additional studies regarding direct impacts including potential ground vibrations directly generated from construction and operations of the HSR; 2. Recommend that Arch-MM#4 (mitigation measure) be required for this site, to not only ensure and protect the Gardens but also to provide oversight for other sub-surface resources that have been found in the past (Hinojosa Property) immediately adjacent to the footprint of the Gardens
- HPSR: The consultants found that none of the 88 resources evaluated were eligible for designation to the National or California Registers (beyond three already identified: Roeding Park, Weber Overcrossing and the Forestiere Underground Gardens). Upon review and comment by the Historic Preservation Commission, the Commission supported both the McCardle Home, Acme Building Company and Zacky Farms as potentially eligible for designation to Fresno's Local Register of Historic Resources. This evaluation shall include the preparation of DPR forms and be performed by an individual or firm which meets or exceeds the Secretary of Interior minimum professional standards as part of the environmental compliance for this section of the HSR corridor.

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- We are also recommending that the downtown rail station discussion, which appears in the Fresno to Bakersfield segment be incorporated into this document. We recognize this as ensuring continuity between the two documents which clearly overlap.

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SECTION 3.18 – REGIONAL GROWTH

Section 3.18.2 concerning the City of Fresno General Plan should be revised to ensure consistency with the planned land use and other applicable policies with the Fulton Corridor Specific Plan, Downtown Neighborhood Plan, Downtown Development Code and the Fresno General Plan, and related Development Code. Information is currently available on the City of Fresno website at: www.fresno.gov.

Section 3.18.5.3 includes construction-related employment effects. It is not clear how the \$156,000 annual wage for construction workers was derived. It seems high to the City of Fresno.

VOLUME III: ALIGNMENTS

703-21

The conceptual 15% plans in Volume III call for an overpass at McKinley Avenue with 8% grades on the approach roadways, a "Pedestrian Bridge Study Area, Final Location to be Determined in 30% Design" and a new McKinley Avenue Connector to reconnect Golden State and McKinley, with a new intersection on McKinley Avenue approximately 250' east of the State Route 99 Northbound Off-Ramp to McKinley Avenue. At McKinley Avenue, the overpass as proposed with 8% grades is not only a significant impact to pedestrians, it also adversely impacts the location of the touchdown point at the west end. The intersection of McKinley Avenue with the required McKinley/Golden State connector would likely need to be signalized in the future and the McKinley/NB SR-99 off-ramp intersection meets signal warrants today, thus creating a problem with closely spaced intersections in close proximity to the freeway and a potential mandatory design exception with Caltrans. The City believes an underpass at McKinley needs to be evaluated in order to provide a viable circulation system and to adequately mitigate to a less than significant level traffic impacts from the HST project. The City does concur with the use of a McKinley-Golden State Connector and with the eastern end of the grade separation needing to maintain a McKinley/West intersection to preserve critical turning movements.

703-22

The conceptual 15% plans shown in Volume III include a major reconstruction and modification of the freeway interchange at Clinton Avenue and SR-99. The City is concerned about the lack of pedestrian connectivity between the east and west sides of SR-99, in that the proposed reconstruction of the freeway interchange at Clinton Avenue and SR-99 will sever the existing pedestrian connectivity between Motel Drive and the Clinton Avenue/Vassar Avenue area. The EIR/EIS should evaluate the need for a pedestrian overcrossing so as to avoid a potential socioeconomic impact of dividing an existing community, by requiring pedestrians to walk all the way to McKinley Avenue and then return north along local streets west of SR-99, as compared to the direct connection they have today.

703-23

The conceptual 15% plans shown in Volume III call for the existing overpasses at Tuolumne and Stanislaus Street in downtown Fresno to be reconstructed to span both UPRR

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and the HST alignment. The reconstruction includes approximately 8% grades on the approaches and calls for a separate pedestrian overcrossing somewhere between Tuolumne and Stanislaus. Underpasses should also be constructed at the Stanislaus/UPRR/HST and Tuolumne/UPRR/HST crossings. The proposed overpass creates potentially significant environmental impacts in terms of lack of local street connectivity, circulation, ADA compliance, aesthetics and socioeconomic/environmental justice issues of a significant barrier being placed between communities to the east and west of this crossing. The City has analyzed the vertical curves for these streets as underpasses and has determined that the underpass will be shorter, extending only from F to H Streets (similar to the Fresno Street underpass), thus providing for greatly reduced structure costs and superior circulation. It will also be possible with the street going under UPRR/HST to provide ADA-compliant sidewalks, thus eliminating the need for a separate pedestrian bridge and the problem of two ADA non-compliant bridges.

703-24

The grade separation plans show local streets being terminated at the vertical retaining walls for the City's major streets that would be reconstructed as overpasses extending over UPRR and HST (and in one case BNSF). The plans shown in the technical appendices fail to address public safety and impacts to neighborhoods associated with the proposed concepts of local street terminations. The City is concerned that the EIR/EIS does not appear to have analyzed the potential for these dead-end streets to physically divide established communities. It is not permissible or appropriate to dead-end a local street without a cul-de-sac for turnaround purposes or alternatively with a local frontage road paralleling the realigned or elevated/depressed major street. In order to properly and adequately connect local streets that serve residential, commercial and industrial areas, the project will need to acquire additional right-of-way to either cul-de-sac local street, or to reconnect them to each other via local frontage roads.

703-25

On a more general note, the conceptual 15% plans depict numerous partial and full acquisitions. The Draft EIR/EIS fails to address the economic impact of the creation of numerous parcels which may no longer have any development potential, or a greatly reduced potential. The environmental document does not speak to what will occur with this remnants and unusable slivers. The City is greatly concerned over the loss of land for economic development, loss of property tax revenues and sales tax revenues, as well as the potential for blight created by the HST project. The EIR/EIS needs to quantify these impacts and to provide appropriate mitigation to the community for these impacts.

703-26

Regarding the Fresno Station Area, the diagram shows the block bounded by Broadway, Fresno, H, and Merced Sts. in its present configuration. The site should be shown as reconfigured back to a traditional street grid, and developed over time with ground floor retail. In addition:

1. The frontage on the south side of Fresno St. and both sides of Mariposa St. between Broadway and H Sts. should also be shown as lined with ground-floor retail uses. Mariposa in particular is a key pedestrian passage from the station to the commercial core of the downtown, and surface parking lots and blank building walls would act as a pedestrian deterrent.
2. In the two blocks bounded by H St., Mono St., the UPRR, and Kern St., there should not be a parking structure placed farther from the station than a surface lot, as shown. If

703-26

demand requires the construction of a parking garage, the garage should be placed on the site of the surface parking and its size should incorporate the spaces provided by the lot.

3. In the block bounded by H St., Mono St., the UPRR, and Inyo St., the existing row warehouse along H St. should be shown as retained, particularly in light of the above.
4. A taxi & shuttle pickup area is shown near the station's west entrance. This facility should be placed near the station's east entrance instead, perhaps as part of the future intermodal transit center shown at the corner of Mariposa St. and H St., or incorporated into the eastern bus stop and kiss & ride areas. An eastern location would allow this transit service to serve the downtown area in addition to the station itself.
5. In the programming of the station itself, the western entrance should be conceived as secondary in function to the eastern entrance.

703-27

The City continues to support a Mariposa alignment for an east-facing station over the previously proposed west-facing station on a Kern St. alignment. Presently several thousand parking spaces exist in publicly and privately owned off-street facilities within walking distance of the station. The proposed new parking facilities depicted in the diagrams should only be developed when the parking demand in the area exceeds the available supply. New parking facilities should not be developed on a speculative basis. The land where potential future parking facilities are depicted should remain available for other types of appropriate downtown development and use, unless and until the parking facilities are developed.

Should you have any questions regarding the City's comments on the draft EIR/EIS, please contact our Assistant City Manager Bruce Rudd at (559) 621-7770 or our City Engineer Scott Mozier at (559) 621-8650.

Sincerely,

Mark Scott
 City Manager

Attachment: Downtown trench alternatives

Response to Submission 703 (Mark Scott, City of Fresno, October 13, 2011)

703-1

Consistent with requirements specified under state and federal law, the Authority recognizes its obligation to pay for costs associated with the project, including right-of-way acquisition, residential and business relocation, project construction, system operation, and implementation of adopted environmental mitigation measures, as identified in FEIR/EIS. Following approval of the EIR/EIS, the Authority will work with city staff with regard to items needed for project construction, including, for example, plan checks for public improvements, traffic control plan reviews, and construction-related inspections. To facilitate this cooperation, the Authority intends to enter into an agreement with the city that describes the activities, terms and conditions with which the city's project review and approval process will occur.

703-2

Through further engineering and discussions with Fresno, the trench option was found to be considerably more costly without providing the intended benefits. Trenching the HST alone would not provide desired benefit to Fresno and while trenching both HST and UPRR would be possible, it would be even more costly and critical spur lines would be overly constrained and impractical. Additionally, this option would require a longer construction period, which would not meet the Federal ARRA funding requirements. Through cooperative discussions, the Authority and Fresno reached agreement on an at-grade profile with some areas of the profile lowered where possible.

703-3

In regards to the City's concern about Construction Transportation Plan, specific construction measures requested by the City (on Pages 5 & 6 of the comment letter) have been added to Section 3.2.6 Transportation Project Design Feature in the FEIR/EIS. See MF-Response-TRAFFIC-1.

In regards to the City's concern about emergency response access, Section 3.11 (Safety and Security) discusses detours around construction sites and how potential construction phasing of roadway overcrossing construction would be implemented. The project design features includes development of a detailed Construction Transportation Plan (CTP), which will be coordinated closely with the City of Fresno. The contractor will develop the CTP on behalf of the Authority in cooperation with the City of Fresno, which will include a traffic control plan to address temporary road closures, detour provisions,

703-3

allowable routes, and alternative access. By developing the CTP and traffic control plan in cooperation with the City of Fresno and other jurisdictions, the Authority will collaborate with those affected by project construction to ensure that adequate emergency access is maintained. Additional provisions and agreements for providing emergency access in the City of Fresno would be made in the MOU that is currently being negotiated with the city.

In regards to the City's comment on full construction of Veterans Boulevard, the Authority and FRA are only responsible for the project and effects as defined in the EIR/EIS. The EIR/EIS includes a portion of the Veterans Blvd construction. Additional development of this project would be the responsibility of Fresno.

In regards to the City's concern about specific mitigation measures (TR MM#6), Traffic mitigation measures TR MM#1 through TR MM#11 provided in the EIR/EIS would reduce potential effects to less than significant. The Authority is working with the City of Fresno on the specific details to complete these mitigation measures, through memorandum of agreement with the City and equal to or more effective than the measures provided in the DEIR/EIS.

In regards to the City's comment on Carnegie Closure analysis at intersection 9, Figarden/Bullard - In response to the City's comment, further analysis was conducted at this intersection. During the analysis, the project team noticed that the current geometry at this intersection is different from 2009 field verification during initial analysis. Per the City's comment, analysis was further refined at this location with the updated geometry, and mitigation measures were identified accordingly to reduce the project impact to less than significant level. Detailed analysis at this location is presented in the Final EIR/EIS.

In regards to the City's comment on Shaw Avenue grade separation and Intersection 1, Golden State Boulevard and Santa Ana Avenue - Signalization and the provision of two northbound left turn lanes and two westbound receiving lanes will occur at this location as part of the Shaw Avenue grade separation and will be reflected in final design.

In regards to the City's comment on Carnegie Closure analysis at Intersection 2, Cornelia Ave/Santa Ana Ave -The curved alignment at this location has been

Response to Submission 703 (Mark Scott, City of Fresno, October 13, 2011) - Continued

703-3

incorporated into the design, and the traffic analysis was updated accordingly. Based on the revised alignment, there would not be any impact at this location, and no mitigation would be necessary. Revised traffic analysis at this location is included in the Final EIR/EIS.

In regards to the City's comment on Carnegie Closure analysis at Intersection 3, Cornelia Ave/Shaw Ave, the analysis was further refined at this location to identify mitigations for LOS E conditions. Revised traffic analysis is included in the Final EIR/EIS.

In regards to the City's comment on Carnegie Closure analysis at Intersection 5, Blythe Ave/Shaw Ave - Based on the City's comment, analysis was further refined to include a right-in/right-out at the Shaw Ave/Jennifer Ave intersection. The intersections of Blythe Ave / Shaw Ave, Brawley Ave/ Shaw Ave, and Figarden Dr/ Gates Ave were re-analyzed to reflect the changed traffic patterns at Jennifer Ave and Shaw Ave. The revised analysis shows that the intersections of Shaw Ave / Brawley Ave and Figarden Dr/ Gates Ave would continue to operate at acceptable LOS under both Existing plus HST project and 2035 HST project conditions. However intersection of Shaw Ave and Blythe Ave would be impacted by the project under existing and 2035 HST project conditions. Mitigations are identified at this location to reduce the project impact to less than significant level. Detailed analysis and mitigations will be presented in the final EIR/EIS.

In regards to the City's comment on Shaw Avenue grade separation and Intersection 7, Cornelia Avenue and Golden State Boulevard - Signalization will occur at this location as part of the Shaw Avenue grade separation and will be reflected in final design.

In regards to the City's comment on Carnegie Closure analysis at Intersection 14, Veterans Blvd/Bullard Ave - Per previous coordination with the City staff, information from the Veteran's Blvd Traffic Operations Report (TOR) was used in the traffic analysis for 2035 No Project conditions. However, it should be noted that the HST project proposes to close Carnegie Ave in conjunction with the shift of Golden State Blvd. The impact of the Carnegie Ave closure was not included in the Veteran's Blvd TOR. This is a HST specific impact, hence the difference in traffic issues. With the Carnegie Avenue closure, all the traffic accessing Golden State Blvd via Carnegie Ave would detour along

703-3

Bullard Ave and Veterans Blvd to access Golden State Blvd. This would result in impacts to the Veterans Blvd/Bullard Ave intersection. Traffic mitigation measures TR MM#1 through TR MM#11 provided in the EIR/EIS would reduce potential effects to less than significant. The Authority will work with the City of Fresno to revise these mitigation measures so they are acceptable to the City and equal to or more effective than the measures provided in the DEIR/EIS.

In regards to the City's comment on Carnegie Closure analysis at Roadway 5, Veterans Blvd between Golden State Blvd and Bullard Ave - The roadway widening mitigation is required to reduce the potential impact to a less than significant level. The Authority will work with the City of Fresno to revise these mitigation measures so they are acceptable to the City and equal to or more effective than the measures provided in the DEIR/EIS.

In regards to the City's comment on SR 99 realignment analysis at Intersection 11, Clinton Ave/Weber Ave - Clinton Ave/Weber Ave – Per the City's comment, eastbound dual left turn have been incorporated into the design plans for the final EIR/EIS.

In regards to the City's concern about insufficient analysis for Olive Avenue overpass near Golden State Blvd – intersection analysis has been performed at these locations to capture the effects of proposed overcrossings and elimination of existing at-grade intersections. Based on the intersection analysis, traffic signal is proposed as mitigation at the intersection of Olive Ave/N West Ave. At the intersection of Olive and Fruit, the project does not have any impact under existing or future conditions, hence no mitigation is proposed.

In regards to the City's concern about insufficient analysis for McKinley Avenue overpass near Golden State Blvd – intersection analysis for the Golden State Blvd closure is included in the EIR/EIS which includes the intersection of new McKinley Avenue connector. The project proposes to provide signal at the new connector with McKinley Avenue and this has been included in the analysis provided in EIR/EIS, Based on the analysis it is found that the project does not impact SR 99 NB ramp at McKinley Avenue, hence no mitigation is provided at this location.

In regards to the City's concern regarding widening a number of intersections and roadways around Fresno HST Station- Traffic mitigation measures TR MM#1 through

Response to Submission 703 (Mark Scott, City of Fresno, October 13, 2011) - Continued

703-3

TR MM#11 provided in the DEIR/EIS would reduce potential effects to less than significant. The Authority will work with the City of Fresno to revise these mitigation measures so they are acceptable to the City and equal to or more effective than the measures provided in the DEIR/EIS.

In regards to comments relating to Fresno Station:

Intersection #24: G St/Tulare St – Tulare Street overpass option analysis is presented in the final EIR/EIS.

Intersection #46: Fresno St/Divisadero St, and Intersection #63: H St/Divisadero St - Mitigation measures provided in the EIR/EIS would reduce potential effects to less than significant. The Authority will work with the City of Fresno to revise these mitigation measures so they are acceptable to the City and equal to or more effective than the measures provided in the DEIR/EIS.

703-4

See MF-Response-NOISE-4, MF-Response-NOISE-5 and MF-Response-NOISE-1.

703-5

The location and size of major sewer lines that are impacted by the project including those to be relocated to outside the HST right-of way (ROW) to the new Golden State Blvd (GSB) ROW and the new State Route 99 (SR99) ROW will be shown in the Final Design Plans (Plans).

The maintenance access to the sewer collection systems are provided:

The Plans show changes in direction of the sewer collection system occur at sewer manholes, i.e., sewer lines are straight between manholes.

Sewer mains along the GSB and manholes are located in the center of the proposed GSB in accordance with City of Fresno Standard Drawings. Sewer lines crossing the HST ROW and GSB ROW perpendicularly or diagonally are located where sufficient space and right-of-way (or easement) are present or available.

Construction contract's special provisions require that the full operation and functioning

703-5

of the existing sewer collection system be maintained and undisturbed. Such provisions also require that the Design-Build Contractor coordinate with -- and obtain approval from -- the City of Fresno for construction work near the existing sewer lines, and that the Contractor's interim bypass pumping plan, final connection/switching plan and commissioning/capping plan be reviewed and approved -- and the installation of such be inspected -- by the City of Fresno.

The provision to allow future growth and installation of future sewer lines along the HST corridor:

Along the HST ROW, all points of crossing of existing and future water and sewer lines in the City of Fresno's Water and Sewer Master Plans (as identified by the GIS ShapeFiles provided by the City of Fresno) are provided with steel casings (for lines 16" and less in diameter) or reinforced concrete pipe (RCP) casing (for lines 18" and greater in diameter.) The Plans show that relocation, replacement and abandonment of existing water and sewer mains necessitate that the existing service lines, laterals and hydrants be reconnected to the new sewer/water mains. The Plans also require that the Contractor follow and meet City of Fresno Standard Drawings for Water and Sewer Systems. All existing water and sewer facilities, structures and appurtenances are relocated to outside the proposed HST ROW. All future water lines for recycled water or potable water that are in the City of Fresno Water Master Plan (as identified by the GIS ShapeFiles provided by the City of Fresno) are provided with steel casings or RCP casing.

703-6

1. Water main crossings the HST: The final design plans (Plans) will show that water main crossings at HST are preserved and protected.
 - a) The existing water mains crossing the proposed HST right-of-way (ROW) are maintained and steel casings provided. Valves are provided on both ends of the casing outside the HST ROW for future maintenance.
 - b) All water system appurtenances such as valves, blow-offs, air release assemblies are located outside the HST ROW.
 - c) All water mains are relocated to within the existing or future public ROW. The Plans show that new 14" and 8" water mains along Golden State Boulevard are located

Response to Submission 703 (Mark Scott, City of Fresno, October 13, 2011) - Continued

703-6

7 feet and 15 feet from the face of curb toward the center of the roadway.

d) The Plans include empty casings for the City of Fresno's future water line crossing at the HST ROW. The empty casings are located and sized in accordance with the water system ShapeFiles provided by the City of Fresno.

e) The Plans are the procurement documents for the design-build bidding and construction. Additional crossings may be included in the construction contract as they are identified and requested by the City of Fresno, in accordance with the Utility Agreement(s) currently under negotiation between the Authority and the City of Fresno.

2. Additional steel casings for water main crossings may be included in the construction contract as they are identified and requested by the City of Fresno, in accordance with the Utility Agreement(s) currently under negotiation between the Authority and the City of Fresno.

3. Whether the City of Fresno or the Design/Build Contractor will carry out the final design of the water facility relocations/improvements will be based on the Utility Agreement(s) currently under negotiation between the Authority and the City of Fresno. The Construction contract's special provisions will require that the Design/Build Contractor coordinate with and obtain approval from the City of Fresno for all utilities under the jurisdiction of the City of Fresno's Department of Public Utilities.

4. The proposed water line is located within the Fresno-Bakersfield Segment and the comment should be responded by the Fresno-Bakersfield Regional Consultant.

703-7

The requested revisions regarding the service area, fire equipment, and Type 1 Heavy Rescue and Regional Response Forces certification have been made in Section 3.11, Safety and Security, of the Final EIR/EIS. Comments regarding emergency response and fire protection associated with the Shaw overcrossing, cul-de-sac installations, Divisadero crossing closure, and connection between Divisadero and G Street are noted; the project design will include coordination with emergency responders and City of Fresno Public Works to fulfill response route needs and improvements and to determine the required relocation of fire protection infrastructure such as fire hydrants.

703-8

The 2010 US Census data was not available when the DEIR/DEIS was getting prepared. Census data has been updated with 2010 data in the FEIR/EIS where data is available.

The Proverello House community facility has been added to the table in Section 3.12, Socioeconomics, Communities, and Environmental Justice. In addition, this community facility and information about services provided has been incorporated into Appendix B, Community Facilities, in the Community Impact Assessment.

703-9

The Merced to Fresno section does not bisect any communities. In Fresno, all the HST alternatives are adjacent to the existing transportation corridors which originally bisected the community and the HST project would add incrementally to these corridors. Access is still maintained across all corridors to ensure the community remains connected. See MF-Response-SOCIAL-4 for additional information. Additionally, the HST station in downtown Fresno may result in positive economic benefits related to transit-oriented development and the HST is consistent with many of the goals and policies identified in the Fresno specific plans. For areas outside of the station area, where residential or businesses are acquired as part of the project compensation is provided as detailed in Appendix C, Relocation Information, in the Community Impact Assessment, and there are suitable locations in the general area where residents and business could relocate which minimizes the social and economic effects. Information is also provided in MF-Response-LAND USE-3 and MF-Response-LAND USE-4 to address the effects on land use and the future uses which can have an effect on the social and economic effects.

703-10

See MF-Response-GENERAL-1.

703-11

See MF-Response-SOCIAL-2 and MF-Response-SOCIAL-8. The HST project's level of design somewhat limits the level of detail that the EIR/EIS analysis can achieve. The analysis looked at replacement properties within the citywide relocation replacement areas and within a 30-mile radius within the unincorporated portions of the counties. The

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703-11

analysis identified locations near the areas where the acquisitions occur for the business and residential acquisitions in the City of Fresno, so businesses could be relocated in close proximity to their existing locations. All businesses and residential properties acquired would be compensated. SO-MM#2 in Section 3.12.7 provides information on the relocation plan that will be developed as part of the HST project and Appendix C, Relocation Information, in the Community Impact Assessment, provides additional information on the compensation provided.

Section 3.13, Station Planning, Land Use, and Development, provides information on the amount of land that will be converted to a transportation related use. The conversion of land to a transportation related use is not anticipated to result in any negative effects on the adjacent land use. Refer to MF-Response-LAND USE-4 for information on the effects on future land use.

703-12

Suitable locations for any businesses acquired as part of the HST project are located in same general area, so impacted businesses could relocate near their existing locations. Refer to SO-MM#2 in Section 3.12.7 for information on the relocation plan that will be developed for the project. The HST project would add incrementally to the existing transportation corridors and no significant impacts on adjacent land uses occur. See MF-Response-LAND USE-3 and MF-Response-LAND USE-4.

703-13

The displacement and relocation methodology follows guidance provided in the Right-of-Way Manual – Relocation Assistance and Housing Program (California Department of Transportation [Caltrans] 2009) for relocation impact documents and the Community Impact Assessment, Caltrans Environmental Handbook, Volume 4 (Caltrans 1997).

The analysis is based on the draft 15% baseline engineering design plans provided by AECOM in May and June 2010 and cost savings revisions provided by AECOM in February, March, and April 2011 using a worst-case scenario, at-grade vertical profile. Per agreement with the Program Management Team, two methodologies, the “full method” and the “abbreviated method,” (to meet the schedule) were used for data collection and acquisition/displacement determinations. The full method was used for the May and June 2010 draft 15% baseline engineering design plans and the

703-13

abbreviated method was used for the February, March, and April 2011 cost savings revisions and the June/July 2011 alignment update revision (including Hybrid with Ave 21 Wye and additional roadways). Onsite field inspections provided information to formulate assumptions regarding affected property. Field inspections included drive-by surveys and a review of aerial maps, tax assessor records, and property information obtained from other county records.

Field inspections were conducted in 2009 and 2010 for the preliminary footprints. Aerial photographs and a review of public records and broker information provided additional information, when available. Aerial photographs and reviews of public records were the primary sources of information to determine use and other details of properties that were added to the preliminary footprints as the engineering design plans developed. The abbreviated method reviews of parcels were conducted for the cost saving revisions to the preliminary engineering design plans. Field inspections were not conducted; however, aerial maps and aerial photographs were reviewed. Surveys that delineate the actual right-of-way required for the Merced to Fresno Section of HST are yet to be completed. Final determination of right-of-way impacts may change during engineering and design of the HST facilities. After completion of the environmental review process and consideration of public input, the preferred alternative would be selected and analysts would evaluate acquisition and relocation alternatives. The HST project would relocate displaced residents and businesses in suitable areas or provide just compensation.

703-14

Information on the number of employees was based on the following methodology:

The number of displaced employees was determined by using estimated averages of 1 full-time employee (FTE) per 325 square foot (SF) for commercial land uses, 1 FTE employee for 250 SF for municipal land uses (offices), and 1 FTE employee for 525 SF for industrial land uses (including manufacturing, distribution, and warehousing).

The analysis also included a preliminary evaluation of properties for sale and lease in June, July, and August 2010 and current real estate market trends indicate an adequate

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703-14

quantity and quality of replacement properties for residential and business displacements. The analysis was performed using data from CoStar, a commercial real estate information company that provides commercial real estate information including commercial properties for sale and commercial space for lease. The replacement properties are within the citywide relocation replacement areas and within a 30-mile radius in unincorporated portions of the counties. This is true under all alternatives, at this time. Future availability may vary depending on market trends, population growth, and planned development. The evaluation of properties for sale and lease has been updated for the Final EIR/EIS. Based upon, the latest analysis with data from CoStar in 2012 there are a number of available properties located in the general area of the HST project, so businesses could be relocated in close proximity to their existing location.

703-15

Information on employment is based upon 2010 data from the California Employment Development Department. Any data from the 2000 US Census has been updated in the FEIR/EIS with available 2010 US Census data.

703-16

SO-MM#2, Develop a relocation mitigation plan, has been updated in Section 3.12.7 of the FEIR/EIS based upon the City of Fresno suggestions.

703-17

See MF-RESPONSE-NOISE-1, and the EIR/EIS Section 3.4, Noise and Vibration, addresses effects specific to the zoo activities.

During the final design process, the Authority would coordinate closely with all affected jurisdictions to establish and provide additional detail for the mitigation measures (i.e., surface treatment of columns to minimize aesthetic effects) for temporary and permanent park impacts. See EIR/EIS Section 3.16.6 (Aesthetics and Visual Resources) for additional information on mitigation measures that could apply to parks. See EIR/EIS Section 3.17 (Cultural and Paleontological Resources) for additional information regarding the historic status of Roeding Park. See also PK-MM #5 which describes the mitigation measures for potential noise impacts at Roeding Park and specifically

703-17

requires the Authority to work with the City of Fresno to address potential noise impacts.

As noted in Draft EIR/EIS Section 3.15.5.3, the proposed projects described in the Roeding Regional Park and Fresno Chaffee Zoo Facility Master Plans in June 2011 (City of Fresno 2011) would not conflict with the adjacent HST project, except for the planned park boulevard entrance and exit at Golden State Boulevard. The other proposed projects could proceed as designed. Regarding Golden State Boulevard, the Roeding Regional Park and Fresno Chaffee Zoo Facility Master Plans identifies a new boulevard through the middle of the park connecting with a new entrance and exit on Golden State Boulevard. However, Golden State Boulevard would be closed under the HST project (i.e., the project would require the closure of Golden State Boulevard east of Roeding Park, precluding a direct connection). Accordingly, construction of the boulevard as contemplated in the master plan would conflict with the HST design. The Authority is currently working with the City of Fresno and the zoo to resolve this planning conflict. Roeding Park has two existing entrance and exit points (Olive Avenue and Belmont Avenue), which would remain under the master plan scenario. Moreover, the HST project would construct new overcrossings at Olive Avenue and Belmont Avenue to carry traffic over the HST guideway, which would facilitate continued access to these existing entrance and exit points. The parties involved agree that utilizing Olive Avenue and Belmont Avenue as primary entrances to the zoo instead of Golden State Boulevard is a feasible solution. The involved parties agree that the goals of the Master Plans can be served with these entrances, and the Authority is continuing to work with the City of Fresno and the zoo on an MOU that will outline how the Master Plans will be updated to reflect the HST project.

703-18

See MF-Response-VISUAL-3 and MF-Response-VISUAL-4. Specific details pertinent to Fresno will be advanced through final design. The Authority is and will continue to be working closely with the City of Fresno on multiple details, including the implementation of the Authority's Design Guidelines project design.

703-19

See MF-Response-CULTURAL-4; See MF-Response-CULTURAL-5; MF-Response-CULTURAL-8; MF-Response-CULTURAL-2. McCardle Home, Acre Building Company,

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703-19

and Zacky Farms were evaluated and found to not be eligible, therefore they are not discussed in the EIR/EIS.

703-20

See MF-Response-GENERAL-3 and MF-Response-LAND USE-2.

703-21

The overpass at McKinley Avenue will be at 8% grade, but it is not anticipated this will negatively affect pedestrians in this area and is ADA compliant.

See responses SOCIAL-1 and SOCIAL-4 regarding acquisition and relocation impacts to communities and businesses. As design details are finalized, such as pedestrian connections, parking locations, and property acquisitions, the HST Authority will continue to work with local agencies, including the City of Fresno.

703-22

The proposed HST Project will replace existing facilities. Additional improvements will be done/depend on MOU/Agency Agreement between the Authority and the City of Fresno.

703-23

The City of Fresno requested that the Authority consider constructing Stanislaus Street and Tuolumne Street crossings as underpasses under the HSR. The Authority informed the City that due to construction sequencing and other timing constraints it was not possible to construct these crossing as undercrossings within the time constraints imposed by the ARRA funding. As an alternative the City requested that the Stanislaus and Tuolumne overpasses be constructed as a single structure to be located at the same location as the current Stanislaus Street overpass. The City further requested that an ADA compliant pedestrian overpass also be constructed as part of the new Stanislaus structure.

703-24

The locations of cul-de-sacs currently included in the project design were developed in coordination with the City. CHSRA and FRA will continue to coordinate with the City as design efforts continue. See also MF-Response-TRAFFIC-2.

703-25

See MF-Response-SOCIAL-1 and MF-Response-SOCIAL-4.

703-26

The Authority is aware of the City's vision for Downtown Fresno and its ongoing efforts to advance that vision. Furthermore, the Authority is prepared to continue its collaboration with the City to ensure a common understanding of the respective roles and responsibilities in contributing to realizing the components of the vision. Moving forward, the principal forum for this collaboration will be the station area planning process, as supported by the Authority's Station Area Planning Grant. The City's grant application was approved by Authority staff in November 2011, which was used to develop the Station Area Planning Funding Agreement. The City completed its review of the Funding Agreement and approved it at the end of December 2011. Once the Funding Agreement is signed and approved by the Authority, the planning work associated with the grant application will commence. Through this process, the Authority anticipates resolution of a variety of matters related to the HST project and its effects on Downtown Fresno, including those mentioned in the City's comment(s). The outcomes will be reflected as refinements to the Authority's 30% design for the station, which will follow completion of the alignment, structures, and roadway design work for the initial construction segment (ICS). Note that the City's comments on this subject address issues that would not affect the environmental analysis. The possible exception is the configuration of the Fresno Street-H Street intersection and associated changes to the local circulation network, which could affect the traffic analysis. The analysis completed for the FEIR/EIS does, however, assume the restoration of the intersection as a four-way, at-grade facility, which is consistent with the City's comment/request.

703-27

See MF-Response-TRAFFIC-5. Parking for the downtown Fresno station area is addressed in the Section 3.2, Transportation, and the section identifies the number of parking spaces that could be required for the Fresno station. To meet the initial 2020 demand, about 3,500 parking spaces would be required and another 1,550 to meet the 2035 parking demand. To meet the demand for parking the excess public parking within 1 mile of the station will be used and it is not until 2035 that a full build out for parking spaces will be required. Any new structures required to meet the estimated 2035

Response to Submission 703 (Mark Scott, City of Fresno, October 13, 2011) - Continued

703-27

demand will not be constructed until there is a need.

The Authority is aware of the City's vision for Downtown Fresno and its ongoing efforts to advance that vision. Furthermore, the Authority is prepared to continue its collaboration with the City to ensure a common understanding of the respective roles and responsibilities in contributing to realizing the components of the vision. Moving forward, the principal forum for this collaboration will be the station area planning process, as supported by the Authority's Station Area Planning Grant. The City's grant application was approved by Authority staff in November 2011, which was used to develop the Station Area Planning Funding Agreement. The City completed its review of the Funding Agreement and approved it at the end of December 2011. Once the Funding Agreement is signed and approved by the Authority, the planning work associated with the grant application will commence. Through this process, the Authority anticipates resolution of a variety of matters related to the HST project and its effects on Downtown Fresno, including those mentioned in the City's comment(s). The outcomes will be reflected as refinements to the Authority's 30% design for the station, which will follow completion of the alignment, structures, and roadway design work for the initial construction segment (ICS). Refer to Section 7.5, Station Alternatives, for additional information on the Fresno station alternatives the selection of a preferred alternative.

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**Response to CAHSR
Draft EIR/EIS
Fresno City Council
September 29, 2011**



OVERVIEW

HIGH SPEED RAIL ALIGNMENT THROUGH FRESNO

- ▲ Enters Fresno from the south following the BNSF tracks just east of Cedar Avenue, west of SR-99 and east of SR-41.
- ▲ Enters Fresno from the north on the east side of UPRR, immediately crosses to the west side of UPRR north of Herndon Avenue and generally follows the Golden State Boulevard - G Street - Railroad Avenue alignment.
- ▲ Sweeping curve between the Jensen Ave/UPRR overpass to North Avenue and SR-99 to transition from the UPRR to BNSF alignments.
- ▲ All at-grade in the City of Fresno with the exceptions of:
 - Elevated when crossing San Joaquin River, UPRR and Herndon Avenue, transitioning to at-grade prior to the future Veterans Boulevard crossing.
 - Depressed from north of Belmont Avenue to Stanislaus Street, in order to dive under the UPRR spur to Roeding Business Park, FID's Dry Creek Canal and the 180 freeway.
 - Elevated between Jensen Avenue and Central Avenue, in order to fly over the 99 freeway.



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HST HEAVY MAINTANCE FACILITY (HMF)



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OVERVIEW

HIGH SPEED RAIL ALIGNMENT THROUGH FRESNO

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SAN JOAQUIN RIVER CROSSING



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VETERAN'S BOULEVARD



OVERVIEW

HIGH SPEED RAIL ALIGNMENT THROUGH FRESNO

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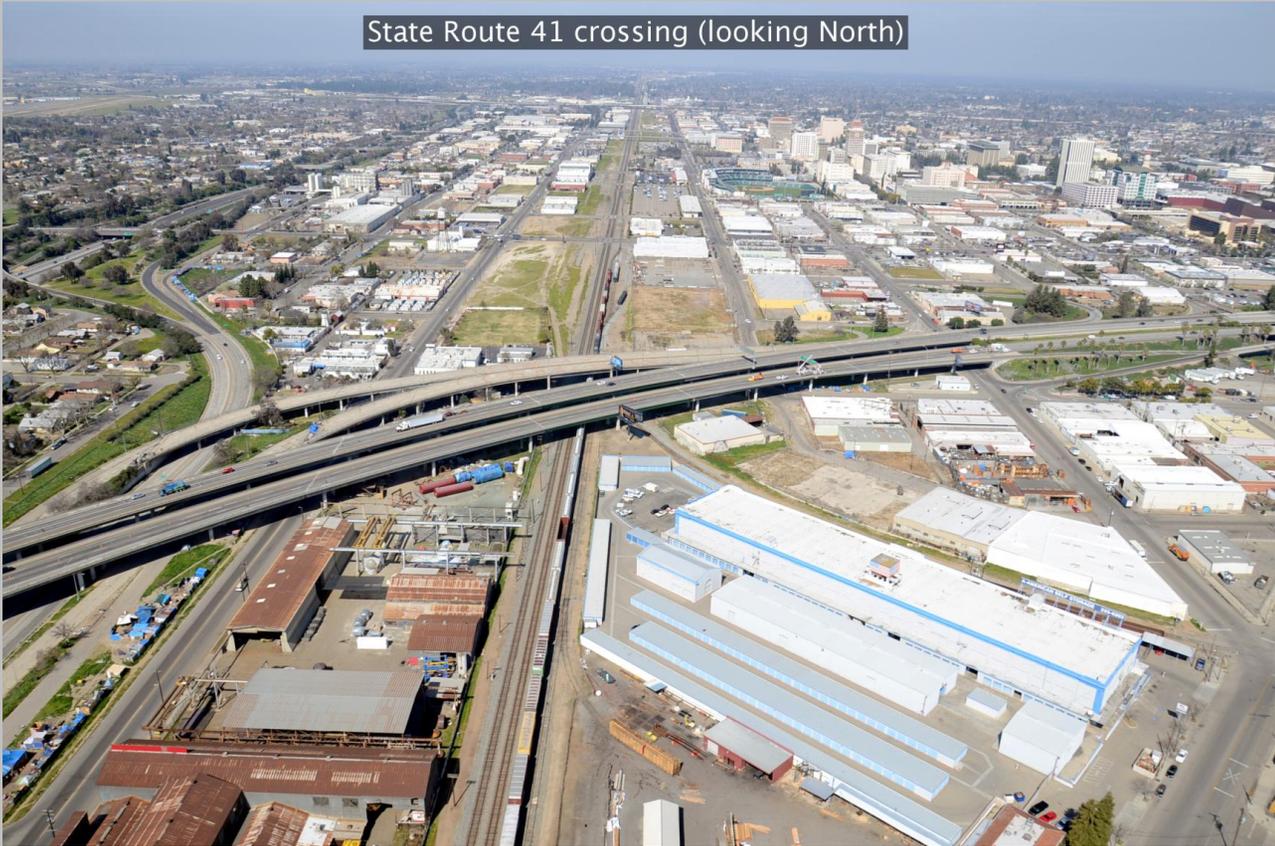
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DOWNTOWN SECTION

State Route 41 crossing (looking North)



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OVERVIEW

PURPOSE OF DRAFT EIR-EIS

- ▲ To disclose information of the proposed action to decision makers and the public and to provide opportunity for public input and comments.

IDENTIFICATION OF PREFERRED ALTERNATIVE

- ▲ The California High-Speed Rail Authority Board will identify a preferred Alternative after the Board considers the information in the Project EIR/EIS, public and agency comments on the Draft EIR/EIS, and other relevant information.
- ▲ Record of Decision (ROD) issued by Federal Railroad Administration (FRA) for “preferred alternative” after completion of Final EIR/EIS.

NOTE: All proposed alignments have the same footprint within the City of Fresno.



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PROJECT SCHEDULE

- ▲ August 2011 Public release of Draft EIR/EIS
- ▲ Comments of Draft EIR/EIS October 13th 2011
- ▲ February 2012 Final EIR/EIS published
- ▲ March 2012 Notice of Determination and Record of Decision
- ▲ 2011 through 2013 Final design/permitting
- ▲ December 2012 Property acquisition begins
- ▲ 2012-2017 Construction



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SUMMARY OF CITY OF FRESNO DRAFT COMMENTS

- Underpasses v. overpasses (traffic, aesthetics, ADA, socioeconomic)
- Construction impacts (traffic management plan, limitations and restrictions upon road closures)
- Adequacy and timing of traffic mitigations
- Economic impacts to businesses, sales tax and property tax
- Depressed trench versus at-grade profile through downtown
- Protection of existing sewer and water pipelines, provision for future crossings
- Noise and vibration
- Adequacy of historic resources analysis
- Treatment at Roeding Park



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*OVERPASSES PROPOSED BY
THE CHSRA PROJECT*



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*UNDERPASSES PROPERLY
MITIGATE IMPACTS*



- Shaw Avenue
- McKinley Avenue
- Olive Avenue
- Stanislaus Street
- Tuolumne Street
- Tulare Street
- Ventura Avenue



Long overpasses cut off local street circulation

- ADA concerns, separate pedestrian bridges
- 30' high concrete walls
- Socioeconomic
- Visual/aesthetics, blight

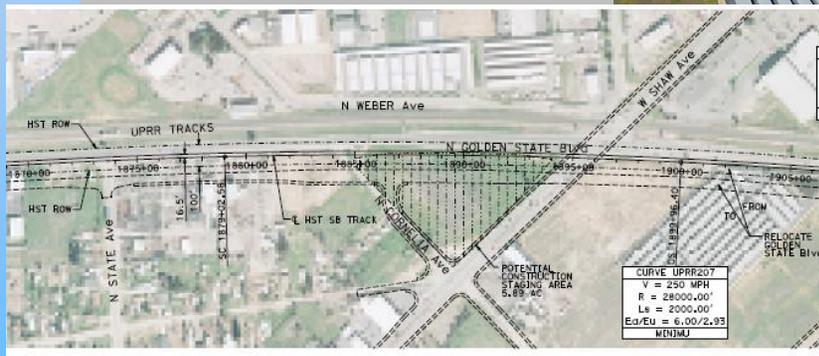
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OLIVE AVENUE AND TULARE STREET



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CONSTRUCTION IMPACTS – GRADE SEPARATIONS



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TIMING AND ADEQUACY OF TRAFFIC MITIGATIONS

- Permanent traffic impacts created by road and ramp closures:
 - Divisadero, Mono and Kern in Downtown Fresno
 - Three exit ramps/two entrance ramps from State Route 99:
 - Dakota Avenue
 - Shields Avenue
 - Princeton Avenue
 - Carnegie Avenue, mitigation with Veterans Boulevard overpass
 - South Van Ness Industrial street crossings:
 - Van Ness
 - Florence
 - Belgravia
 - Re-routing of East Avenue
- Traffic mitigations to be implemented with the project, not in the future



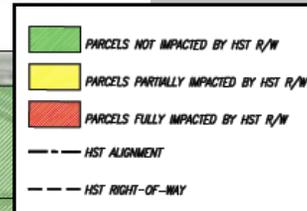
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DISPLACEMENT OF BUSINESSES



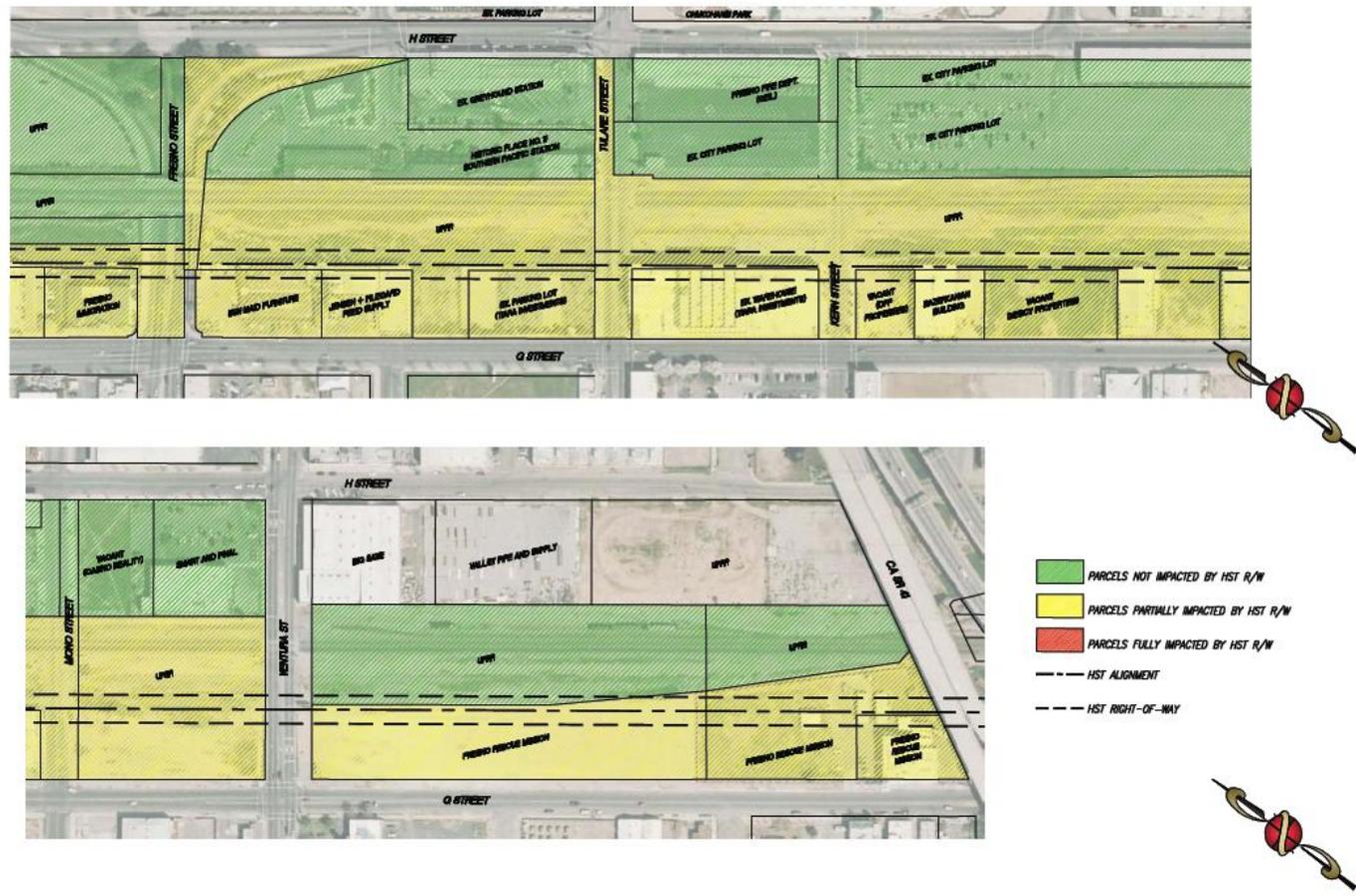
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DOWNTOWN SECTION IMPACTS



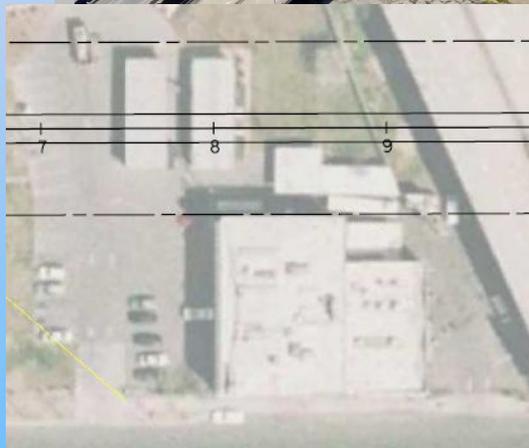
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DOWNTOWN SECTION IMPACTS



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FRESNO RESCUE MISSION



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HIGH SPEED RAIL AUTHORITY PROJECT ALTERNATIVES

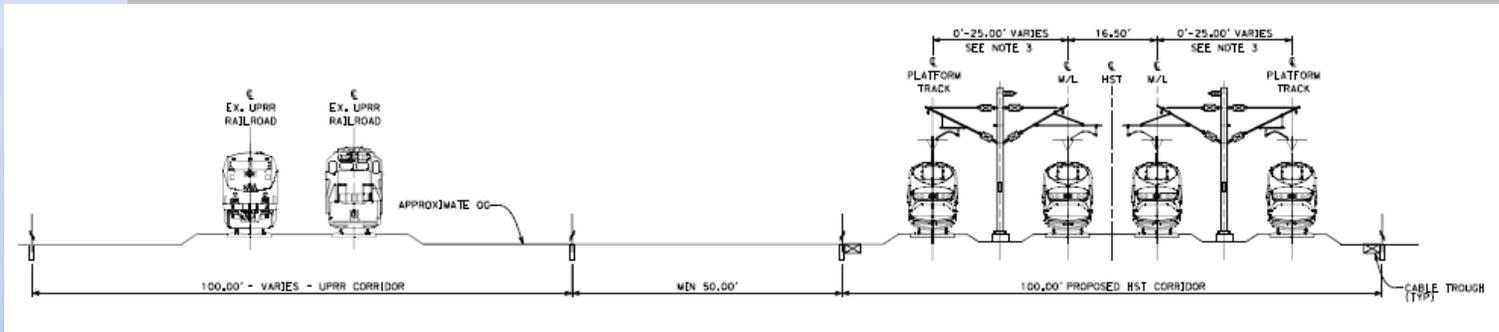
- ▲ ***NO PROJECT ALTERNATIVE***
- ▲ ***AT-GRADE SECTION ALTERNATIVE***



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FRESNO SUBSECTION ALTERNATIVES DESCRIPTIONS

CAHSR AUTHORITY ALTERNATIVE 1: AT-GRADE SECTION



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DOWNTOWN TRENCH ALTERNATIVES NOT INCLUDED IN EIR/EIS

- ▲ **CAHSR CONCEPTUAL ALTERNATIVE A:**
DEPRESSED SECTION

- ▲ **CONCEPTUAL ALTERNATIVE B:**
DEPRESSED SECTION WITH SLOPES

- ▲ **CONCEPTUAL ALTERNATIVE C:**
DEPRESSED SECTION WITH SLOPE & SHORT WALLS

- ▲ **CONCEPTUAL ALTERNATIVE D:**
DEPRESSED SECTION (HSR/UPRR) WITH MSE WALLS

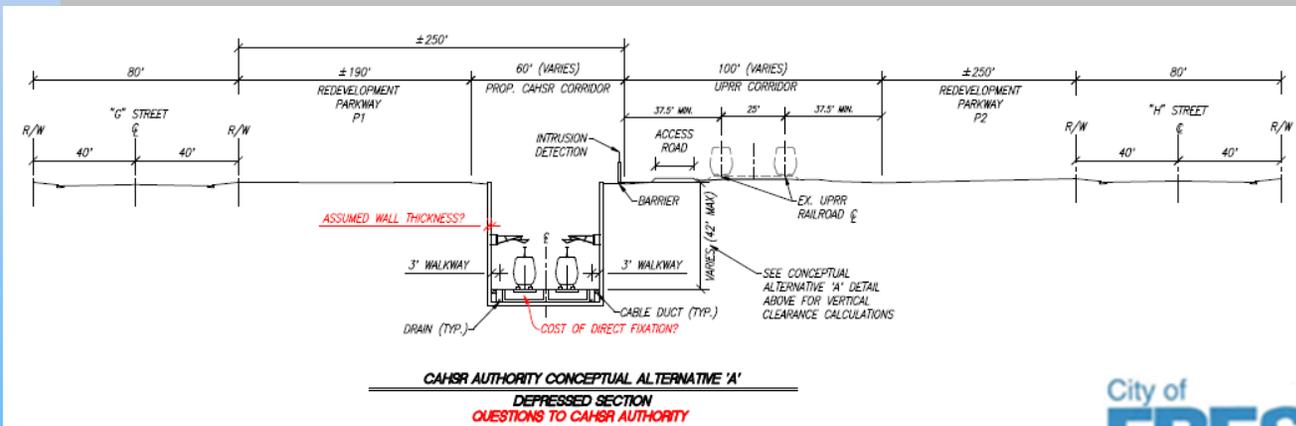
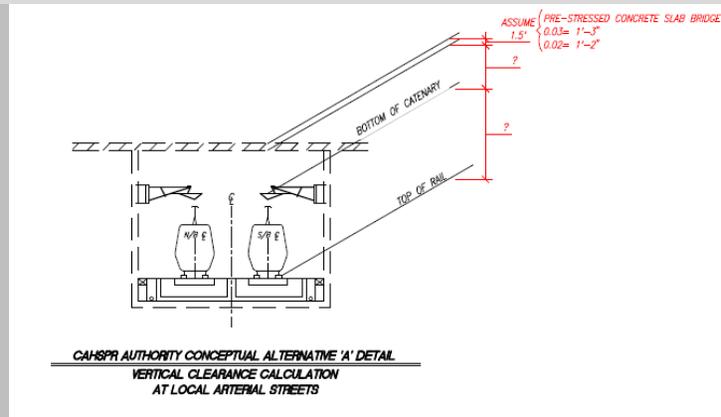
- ▲ **CONCEPTUAL ALTERNATIVE E:**
DEPRESSED SECTION (HSR/UPRR) WITH SLOPES



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FRESNO SUBSECTION ALTERNATIVES DESCRIPTIONS

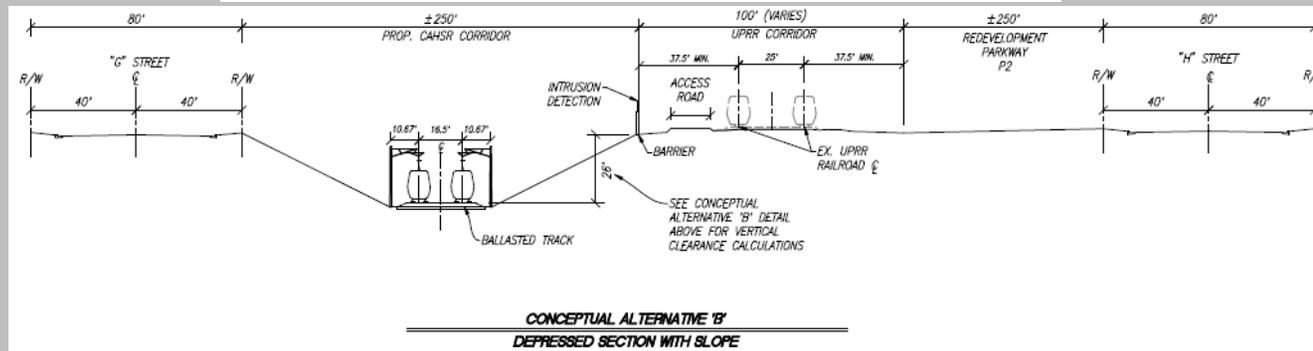
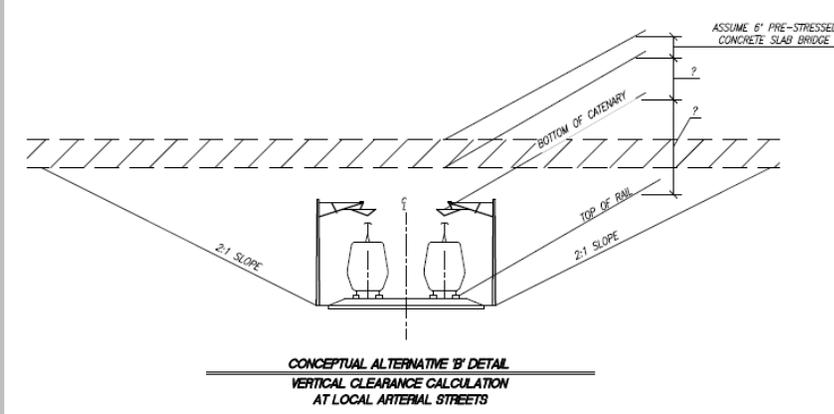
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FRESNO SUBSECTION ALTERNATIVES DESCRIPTIONS

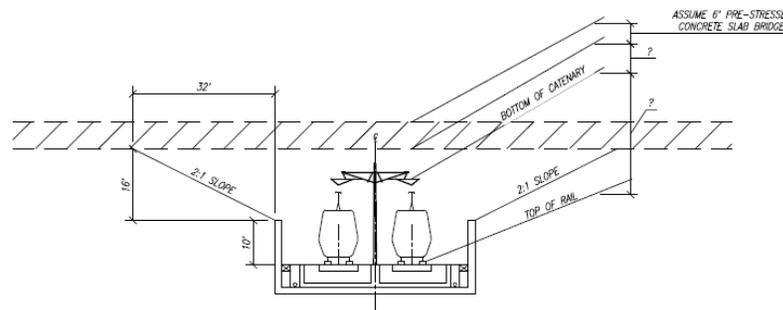
CONCEPTUAL ALTERNATIVE B: DEPRESSED SECTION WITH SLOPE



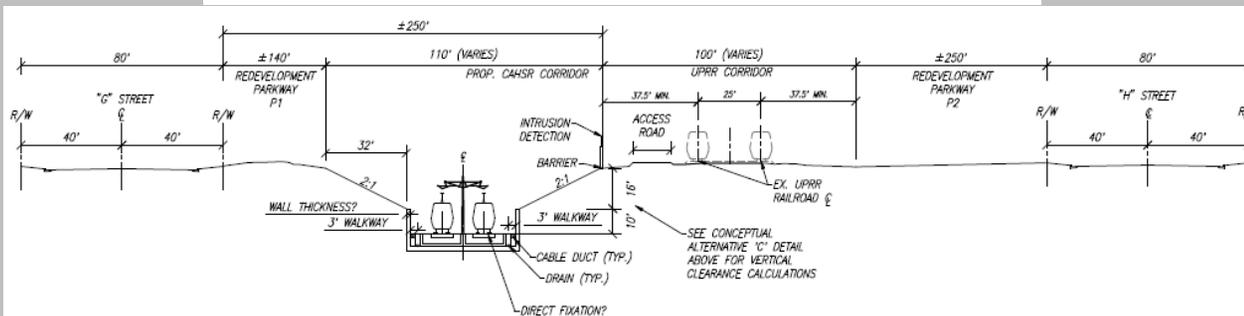
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FRESNO SUBSECTION ALTERNATIVES DESCRIPTIONS

CONCEPTUAL ALTERNATIVE C: DEPRESSED SECTION WITH SLOPE & SHORT WALL



CONCEPTUAL ALTERNATIVE 'C' DETAIL
VERTICAL CLEARANCE CALCULATION
AT LOCAL ARTERIAL STREETS



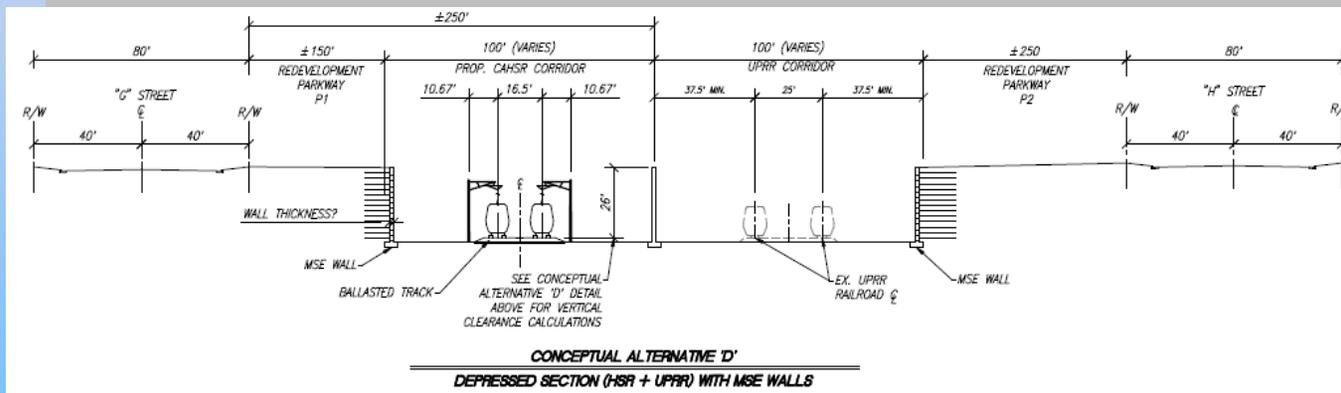
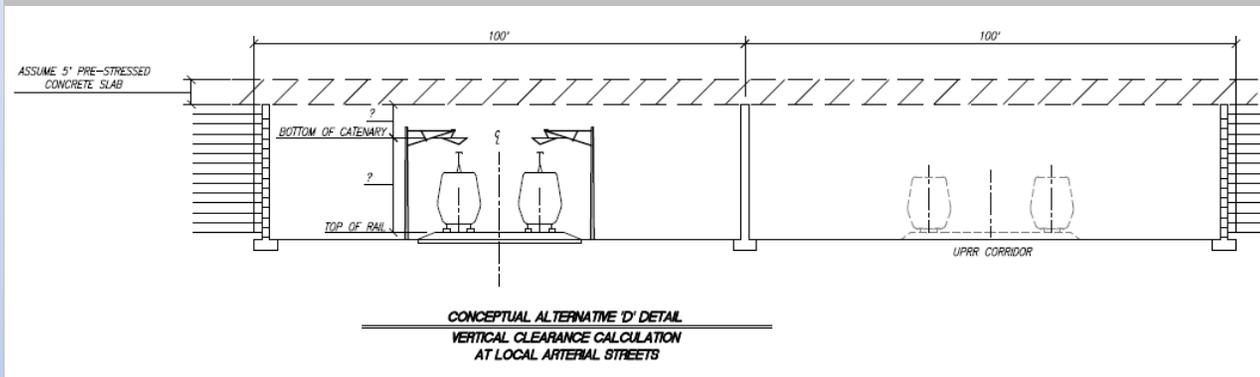
CONCEPTUAL ALTERNATIVE 'C'
DEPRESSED SECTION WITH SLOPE AND SHORT WALLS



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FRESNO SUBSECTION ALTERNATIVES DESCRIPTIONS

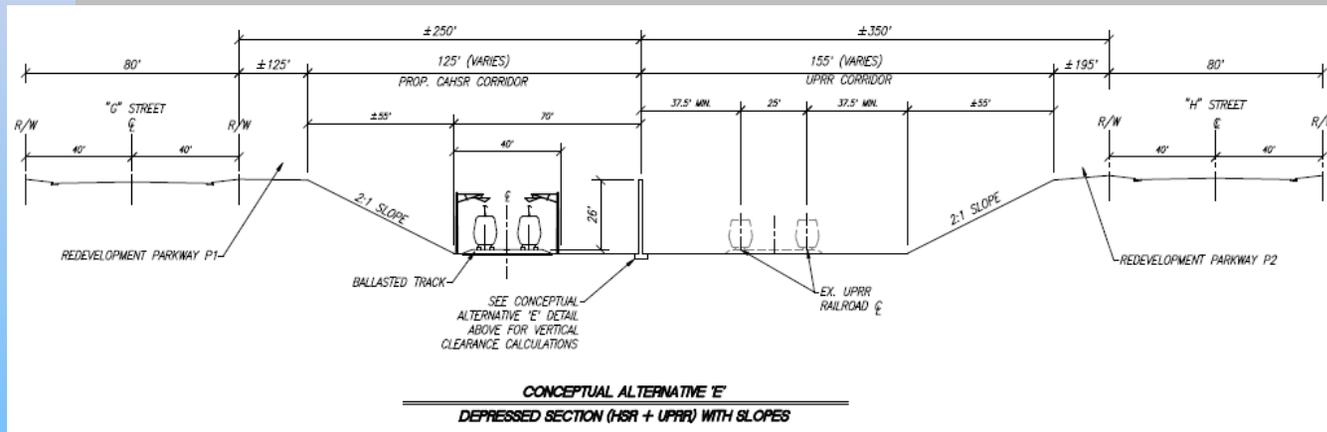
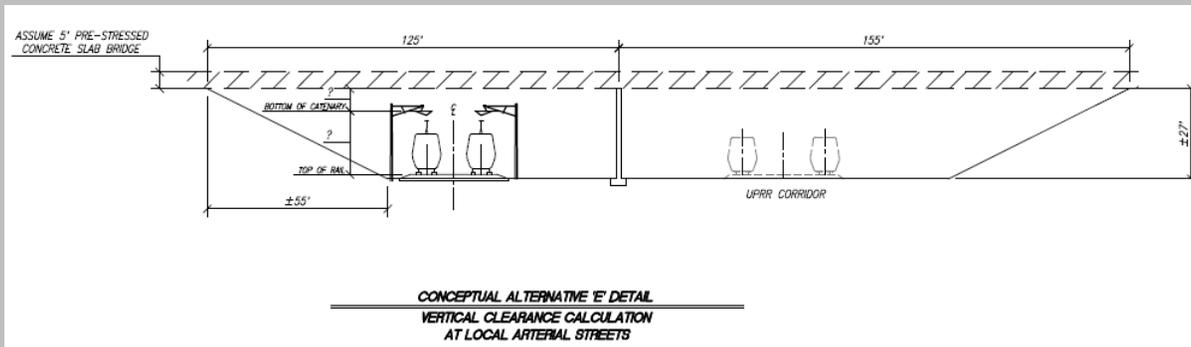
CONCEPTUAL ALTERNATIVE D: DEPRESSED SECTION (HSR&UPRR) WITH MSE WALLS



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**FRESNO SUBSECTION
 ALTERNATIVES DESCRIPTIONS**

**CONCEPTUAL ALTERNATIVE E:
 DEPRESSED SECTION (HSR&UPRR) WITH SLOPES**



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FRESNO SUBSECTION ALTERNATIVES DESCRIPTIONS

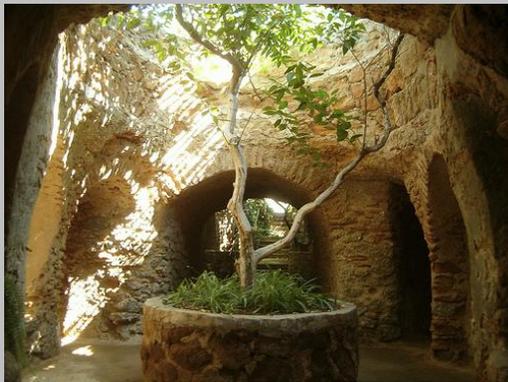


ALTERNATIVES EVALUATION MATRIX – Table 3.1

HIGH SPEED RAIL ALTERNATIVES		ENGINEERING ISSUES								Total Project Cost
Alt. X	Elevated Section	Arterial Street Impacts	Utility Impacts	Drainage Impacts	Railway Impacts	Ped/Bike Circulation	Right-of-way Impacts	Const. Staging	Const. Schedule	Total Project Cost
		No grade-separations required for HST or provided for existing U.P.R.R. crossings NONE	No Overhead Utilities and limited impacts to underground utilities at column footings MODERATE	NONE	No Grade-separations over U.P.R.R. achieved NONE	NONE	ROW dedications required at footings and aerial easements MINOR	MODERATE	18-24 Months	\$800 Million MAJOR
CAHSR Alt. 1	At-grade Section	All Arterial Streets must be grade-separated by use of overpasses or underpasses MAJOR	Overhead Utilities and limited impacts to underground utilities along corridor MODERATE	Relocation of utility corridor channel MODERATE	Grade-separation by overpasses or underpasses over U.P.R.R. MINOR	Added distance for connections to adjacent roads on overpasses MINOR	ROW dedications required for new grade separations, road realignments, and freeway reconstruction Elim. of access to adjacent properties for overpasses MAJOR	MAJOR	36-Months	\$500 Million MODERATE
CAHSR Alt. A	Depressed Section	All Arterial Streets must be grade-separated by use of overpasses or underpasses to clear existing U.P.R.R. (minimized crossing lengths) MODERATE	Underground utility impact along corridor MAJOR	Box culvert required for railroad channel MINOR	Grade-separation by overpass over U.P.R.R. MINOR	Grade-separation by overpass over U.P.R.R. Added distance for connections to adjacent roads MINOR	ROW dedications required for new grade separations, road realignments, and freeway reconstruction Elimination of access to some adjacent properties for overpasses MODERATE	MAJOR	36 Months	\$750 Million MAJOR
Concept Alt. B	Depressed Section with Slope	All Arterial Streets must be grade-separated by use of overpasses or underpasses to clear existing U.P.R.R. (minimized crossing lengths) MODERATE	Underground utility impact along corridor MAJOR	Box culvert required for railroad channel MINOR	Grade-separation by overpass over U.P.R.R. MINOR	Grade-separation by overpass over U.P.R.R. Added distance for connections to adjacent roads MINOR	ROW dedications required for new grade separations, road realignments, and freeway reconstruction Elimination of access to some adjacent properties for overpasses MODERATE	MAJOR	36-Months	
Concept Alt. C	Depressed Section with Slope & Short Walls	All Arterial Streets must be grade-separated by use of overpasses or underpasses to clear existing U.P.R.R. (minimized crossing lengths) MODERATE	Underground utility impact along corridor MAJOR	Box culvert required for railroad channel MINOR	Grade-separation by overpass over U.P.R.R. MINOR	Grade-separation by overpass over U.P.R.R. Added distance for connections to adjacent roads MINOR	ROW dedications required for new grade separations, road realignments, and freeway reconstruction Elimination of access to some adjacent properties for overpasses MODERATE	MAJOR	36-Months	
Concept Alt. D	Depressed Section (HSR & UP) with MSE Walls	Arterial Streets to cross bridge at-grade over U.P.R.R. and HST, no overpasses required MINOR	Underground utility impact along corridor MAJOR	Box culvert required for railroad channel MINOR	U.P.R.R. relocated into depressed section with HST Grade separations achieved along entire corridor MAJOR	Grade separations achieved along entire corridor Increased connectivity for pedestrians with at-grade bridges over HST/UPRR MINOR	Few ROW dedications required for new grade separations Improved access to adjacent properties and increased connectivity MINOR/NONE	MAJOR	36-Months	
Concept Alt. E	Depressed Section (HSR & UP) With Slopes	Arterial Streets to cross bridge at-grade over U.P.R.R. and HST, no overpasses required MINOR	Underground utility impact along corridor MAJOR	Box culvert required for railroad channel MINOR	U.P.R.R. relocated into depressed section with HST Grade separations achieved along entire corridor MAJOR	Grade separations achieved along entire corridor Increased connectivity for pedestrians bike with at-grade bridges over HST and UPRR MINOR	Few ROW dedications required for new grade separations Improved access to adjacent properties and increased connectivity MINOR/NONE	MAJOR	36 Months	
<i>All Impacts Relative To Existing Conditions:</i> • NONE • MINOR • MODERATE • MAJOR						<i>Costs Relative To Other Alternatives:</i> • LOW • MODERATE • HIGH				

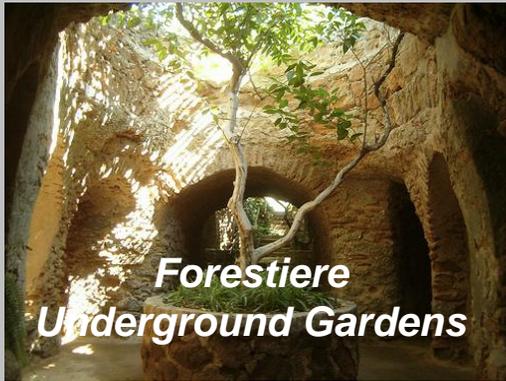
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NOISE AND VIBRATION



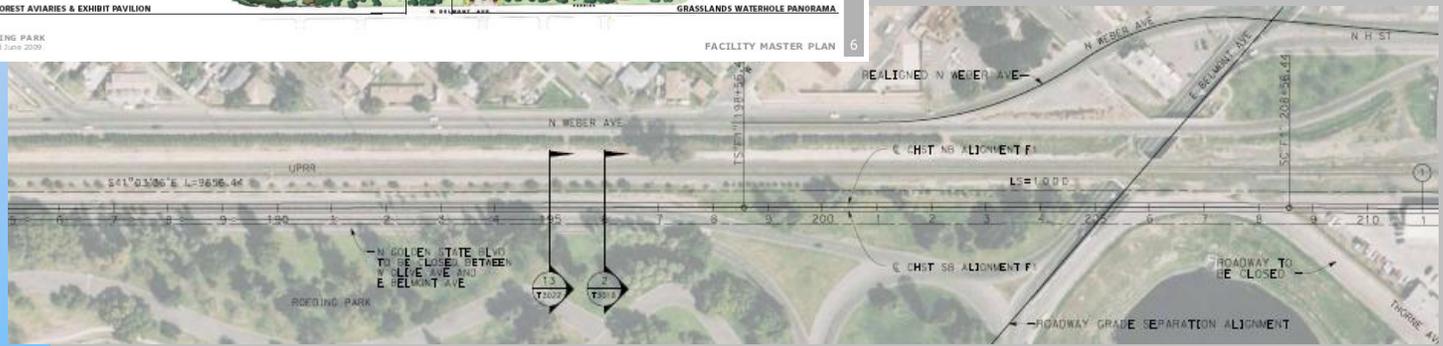
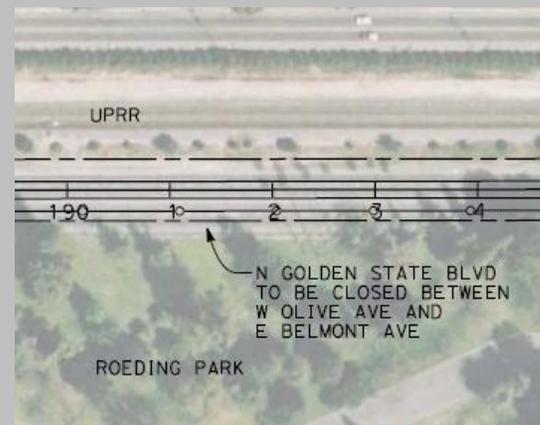
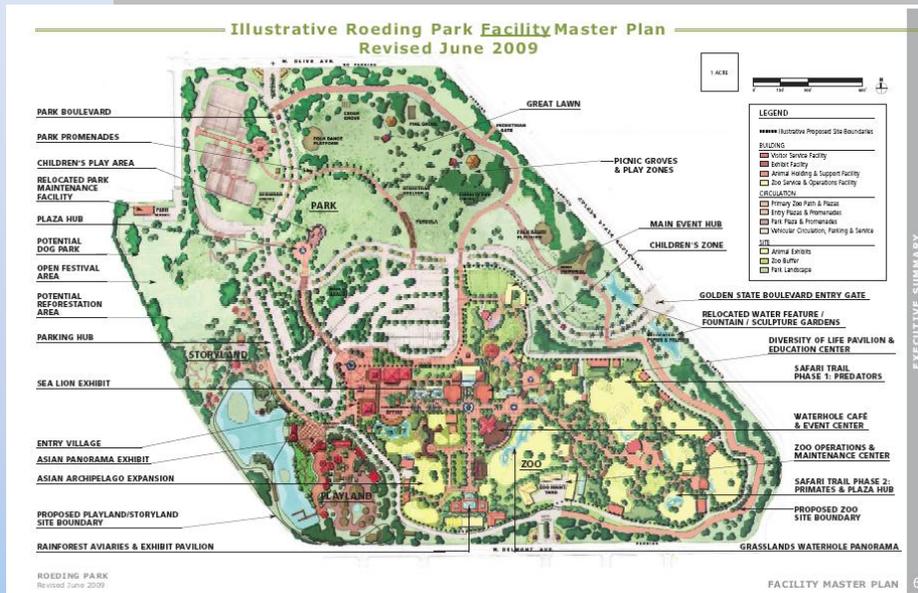
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HISTORIC PROPERTIES



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ROEDING PARK



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ROEDING PARK



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POSITIVE ASPECTS

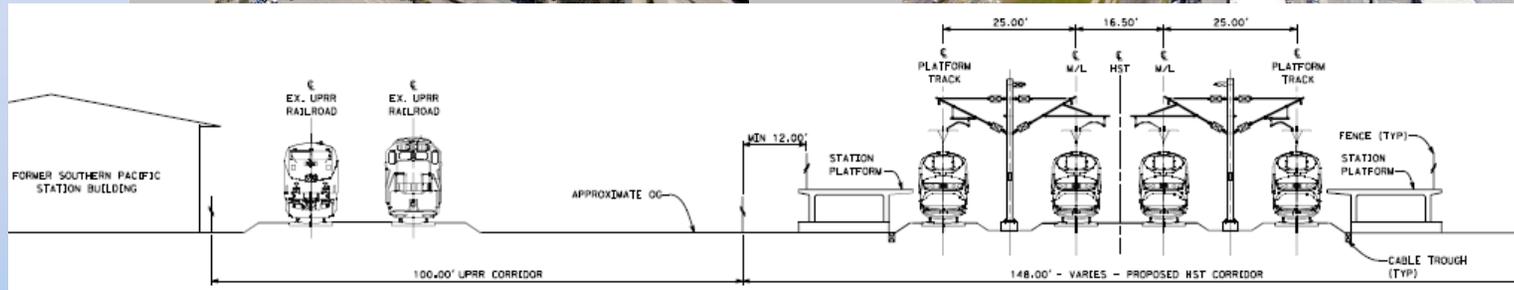
- Grade-separated Union Pacific corridor
- Downtown High Speed Rail station (Mariposa Street location)
- Reconstruction of confusing Fresno and H Street connection
- Heavy maintenance facility
- Veterans Boulevard construction



City of
FRESNO

Attachment to Submission 703 (Mark Scott, City of Fresno, October 13, 2011) -
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STATION AREA DEVELOPMENT

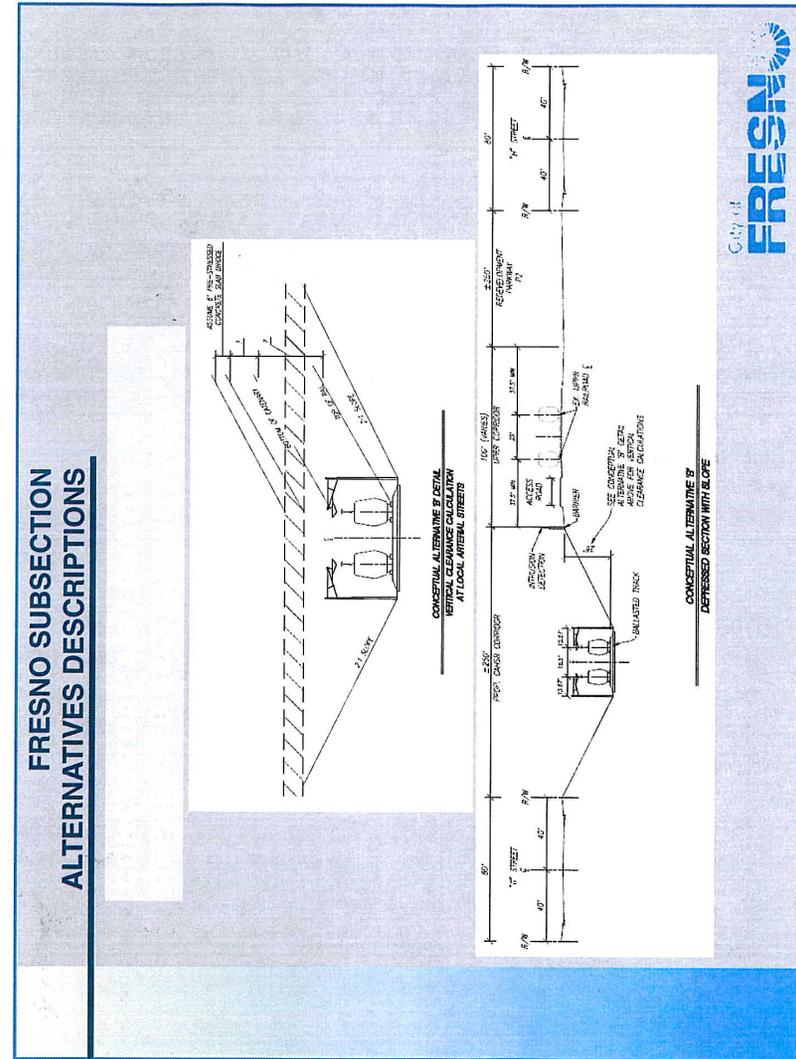
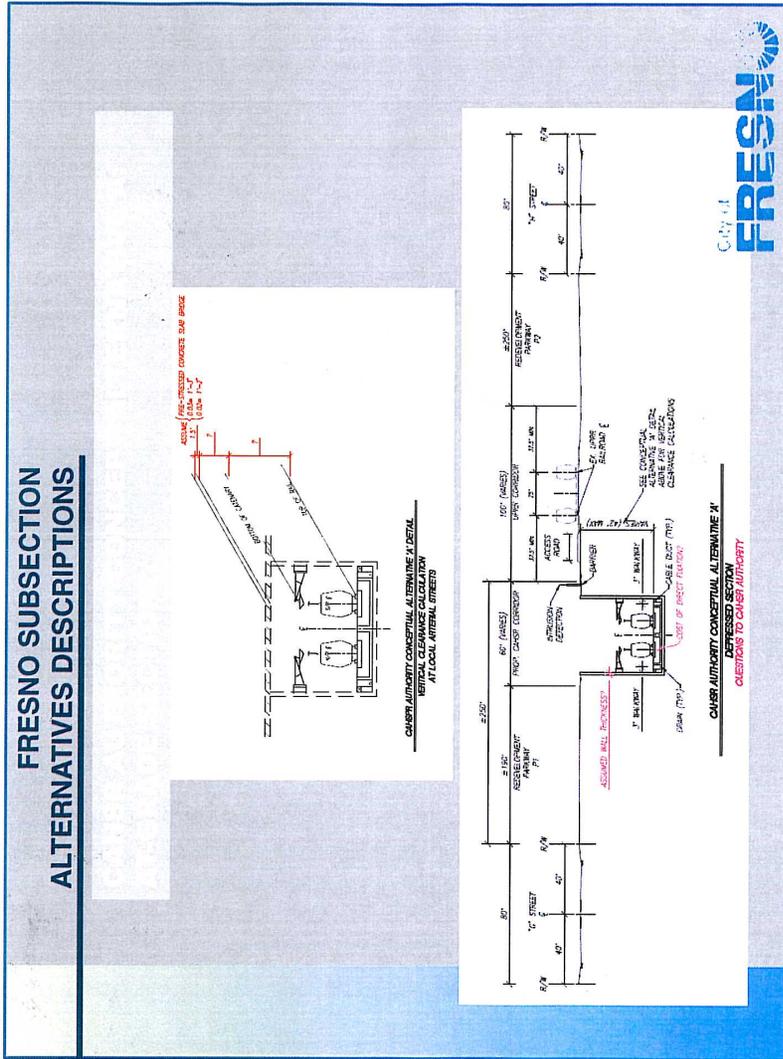


Attachment to Submission 703 (Mark Scott, City of Fresno, October 13, 2011) -
702_CAHSR_EIR_Response_Presentation_9-29-11.pdf - Continued

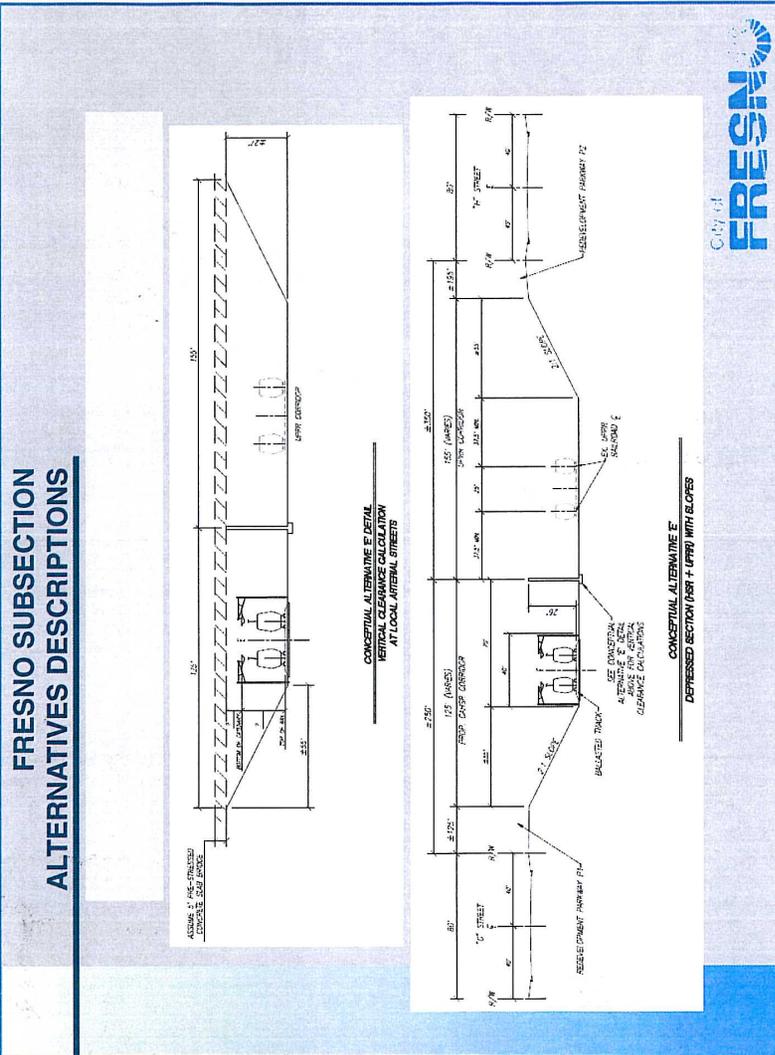
DISCUSSION



Attachment to Submission 703 (Mark Scott, City of Fresno, October 13, 2011) -
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Attachment to Submission 703 (Mark Scott, City of Fresno, October 13, 2011) -
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FRESNO SUBSECTION ALTERNATIVES DESCRIPTIONS

PRECISION ENGINEERING

ALTERNATIVES EVALUATION MATRIX - Table 3.1

High-Speed Rail Alternatives	Access Easement Impacts	Utility Impacts	Drainage Impacts	Railway Impacts	Profile/Obstruction	Right-of-Way Issues	Cont. Easement	Cont. Easement	Total Project Cost
Alt. X Elevated Section	• No grade separation required for HST or provided for existing UPRR crossings	• Overhead lines and related impacts to existing column footings	• NONE	• No grade separation over UPRR	• NONE	• ROW dedications required for new grade separations, and easements, and related reconstruction UPRR	• 18-24 Months	• 18-24 Months	\$0.00 Million
CA1B1 Aligned Section	• All Access Easements must be grade-separated by use of UPRR crossings or underpasses	• Overhead lines and related impacts to existing column footings along corridor	• Replication of utility corridor channel	• Grade separation by UPRR	• Access distance for connections to adjust roads on overpasses	• ROW dedications required for new grade separations, and easements, and related reconstruction UPRR	• 36 Months	• 36 Months	\$0.00 Million
CA1B2 Aligned Section	• All Access Easements must be grade-separated by use of UPRR crossings or underpasses (increased crossing lengths)	• Underground utility impact along corridor	• Box culvert requested for raised channel	• Grade separation by UPRR	• ROW dedications required for new grade separations, and easements, and related reconstruction UPRR	• ROW dedications required for new grade separations, and easements, and related reconstruction UPRR	• 36 Months	• 36 Months	\$0.00 Million
Concept. Alt. B Depressed Section with Bop	• All Access Easements must be grade-separated by use of UPRR crossings or underpasses (increased crossing lengths)	• Underground utility impact along corridor	• Box culvert requested for raised channel	• Grade separation by UPRR	• ROW dedications required for new grade separations, and easements, and related reconstruction UPRR	• ROW dedications required for new grade separations, and easements, and related reconstruction UPRR	• 36 Months	• 36 Months	\$0.00 Million
Concept. Alt. C Depressed Section with Bop	• All Access Easements must be grade-separated by use of UPRR crossings or underpasses (increased crossing lengths)	• Underground utility impact along corridor	• Box culvert requested for raised channel	• Grade separation by UPRR	• ROW dedications required for new grade separations, and easements, and related reconstruction UPRR	• ROW dedications required for new grade separations, and easements, and related reconstruction UPRR	• 36 Months	• 36 Months	\$0.00 Million
Concept. Alt. D Depressed Section with Bop	• All Access Easements must be grade-separated by use of UPRR crossings or underpasses (increased crossing lengths)	• Underground utility impact along corridor	• Box culvert requested for raised channel	• Grade separation by UPRR	• ROW dedications required for new grade separations, and easements, and related reconstruction UPRR	• ROW dedications required for new grade separations, and easements, and related reconstruction UPRR	• 36 Months	• 36 Months	\$0.00 Million

**City of
FRESNO**

Submission 705 (Ashley Swearengin, City of Fresno, October 13, 2011)



MAYOR ASHLEY SWEARENGIN

October 13, 2011

Mr. Roelof van Ark, CEO
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, California 95814

**RE: Comments regarding Merced to Fresno High Speed Train Draft EIR/EIS
Fresno to Bakersfield High Speed Train Draft EIR/EIS**

Dear Mr. van Ark:

705-1

As a strong supporter of starting high-speed rail construction in the Central Valley, I wish to commend you for your efforts in moving the project forward through the preparation of the two EIR/EIS documents for the Fresno to Merced and Fresno to Bakersfield segments. The project will further the economic development of our region through creation of jobs centered around this new industry, in particular the Downtown High Speed Rail Station to be located at Mariposa Street and the Heavy Maintenance Facility which we believe should be located in Fresno County due to its numerous advantages as presented in the Fresno Works proposal. The City of Fresno appreciates the hard work undertaken by you and your team, including numerous meetings here in Fresno with our staff and the Authority's team of consultants.

However, much work remains to be done in order to make the California High Speed Rail project the best for the State of California, for our metropolitan region and for the local community. You will be receiving a detailed letter from our City Manager Mark Scott that includes very specific comments on each point of concern with the High Speed Rail project. We are requesting not only that you review and respond to these comments, but that you would direct the engineering consultants to begin working with our City team immediately to revise the construction plans as necessary in order to address the City's concerns. I am highlighting several of these major concerns below:

705-2

- The need for underpasses versus overpasses at several street-railroad grade separations, in order to provide the community with a project that mitigates its impacts upon traffic, aesthetics and socioeconomics/environmental justice to an acceptable level. The City is ready and willing to sit down with the Authority and the Union Pacific Railroad to work through any issues related to construction of underpasses along the HST/UPRR corridor.
- A Traffic Management Plan needs to be included within the EIR/EIS now, with specific mitigations and limitations for street closures or lane closures, in order to keep our community functioning during construction. It is not acceptable to postpone working through those issues until after the design-build contractor is hired by the Authority.

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Mr. Roelof van Ark
DEIR/EIS Comments: Merced to Fresno and Fresno to Bakersfield
Page 2

705-2

- In order to help mitigate construction impacts around the crossings of Highway 99 and the UPRR corridor, Veterans Boulevard needs to be constructed from Shaw Avenue to Herndon Avenue, including the connections to Highway 99 and Golden State Boulevard, as part of the High Speed Rail construction project.

705-3

- Economic impacts to businesses, sales tax and property tax need to be not only analyzed in greater depth, but also mitigated in part through the creation of a Business Relocation Team. This team needs to be funded by the Authority and would include working with community partners to assist impacted businesses find a new location as well as assist the City in processing new site plans, permits and all necessary steps to get them up and running as quickly as possible in their new location.

705-2

- We continue to ask that a depressed (trenched) alignment through downtown Fresno be evaluated in the EIR/EIS. While the at-grade option is far superior in the City's opinion to the previously proposed 60' high elevated structure, the EIR/EIS still needs to evaluate a depressed alignment in the Downtown area which our engineering consultant team has demonstrated to be a feasible alternative for consideration.

705-4

- The High Speed Rail project needs to make whole Roeding Park and the Zoo, as a result of the loss of Golden State Boulevard and the new main access point which was included in the previously certified Zoo EIR and Master Plan. A specific mitigation measure needs to be included in the High Speed Rail project EIR/EIS.

We remain committed to working with you and your team toward the successful completion of the project. Should you have any questions regarding the City's comments on the draft EIR/EIS, please do not hesitate to contact me.

Sincerely,

Ashley Swearengin
Mayor

Response to Submission 705 (Ashley Swearingin, City of Fresno, October 13, 2011)

705-1

Thank you for your comment and continued support of the project. Regarding your comments on economic development related to the downtown Fresno Station and the HMF, see MF-Response-GENERAL-9 and MF-Response-GENERAL-15.

705-2

The Authority recognizes that the HST in some situations to go over or under streets and highways. The situational needs to construct an overpass as opposed to an underpass (or vice versa) are based on a number of factors, chief among these being engineering feasibility and prudent cost considerations.

See MF-Response-TRAFFIC-1.

In regards to the City's comment on full construction of Veterans Boulevard, the Authority and FRA are only responsible for the project and effects as defined in the EIR/EIS. The EIR/EIS includes a portion of the Veterans Blvd construction. Additional development of this project would be the responsibility of Fresno.

Through further engineering and discussions with Fresno, the trench option was found to be considerably more costly without providing the intended benefits. Trenching the HST alone would not provide desired benefit to Fresno and while trenching both HST and UPRR RR would be possible, it would be even more costly and critical spur lines would be overly constrained and impractical. Additionally, this option would require a longer construction period, which would not meet the Federal ARRA funding requirements. Through cooperative discussions, the Authority and Fresno reached agreement on a at-grade profile with some areas the profile lowered where possible.

705-3

See MF-Response-SOCIAL-2 and MF-Response-SOCIAL-8. The HST project's level of design somewhat limits the level of detail that the EIR/EIS analysis can achieve. The analysis looked at replacement properties within the citywide relocation replacement areas and within a 30-mile radius within the unincorporated portions of the counties. The analysis identified locations near the areas where the acquisitions occur for the business and residential acquisitions in the City of Fresno, so businesses could be relocated in close proximity to their existing locations. All businesses and residential properties

705-3

acquired would be compensated. SO-MM#2 in Section 3.12.7 provides information on the relocation plan that will be developed as part of the HST project and Appendix C, Relocation Information, in the Community Impact Assessment, provides additional information on the compensation provided.

Section 3.13, Station Planning, Land Use, and Development, provides information on the amount of land that will be converted to a transportation related use. The conversion of land to a transportation related use is not anticipated to result in any negative effects on the adjacent land use. Refer to MF-Response-LAND USE-4 for information on the effects on future land use.

Appendix 3.12-A, Relocation Assistance Documents, provides information on the relocation process for those displaced by the HST Project. Everyone will personally work with a Relocation Agent from the Authority. If the high-speed train project will require a considerable number of people to be relocated, the Authority may establish a temporary Relocation Field Office on or near the project. Project relocation offices will be open during convenient hours and evening hours if necessary. In addition to these services, the Authority is required to coordinate its relocation activities with other agencies causing displacements to ensure that all persons displaced receive fair and consistent relocation benefits. SO-MM#2, Develop a relocation mitigation plan, has been updated based on the City of Fresno suggestions and includes additional information on what will be included in the mitigation relocation plan including an ombudsman's position to act as a single point of contact for property owners, residents, and tenants with questions about the relocation process. The ombudsman would also act to address property owners', tenants', and other residents' concerns about the relocation process as it applies to their situations. The Authority is currently coordinating with the City of Fresno and the EDC to assist with these relocation needs. In support of this, the Authority is currently developing a cooperative agreement that would help support the city with business relocation needs such as staff time and permit assistance.

705-4

As noted in Draft EIR/EIS Section 3.15.5.3, the proposed projects described in the Roeding Regional Park and Fresno Chaffee Zoo Facility Master Plans in June 2011 (City of Fresno 2011) would not conflict with the adjacent HST project, except for

Response to Submission 705 (Ashley Swearingin, City of Fresno, October 13, 2011) - Continued

705-4

the planned park boulevard entrance and exit at Golden State Boulevard. The other proposed projects could proceed as designed. Regarding Golden State Boulevard, the Roeding Regional Park and Fresno Chaffee Zoo Facility Master Plans identifies a new boulevard through the middle of the park connecting with a new entrance and exit on Golden State Boulevard. However, Golden State Boulevard would be closed under the HST project (i.e., the project would require the closure of Golden State Boulevard east of Roeding Park, precluding a direct connection). Accordingly, construction of the boulevard as contemplated in the master plan would conflict with the HST design. The Authority is currently working with the City of Fresno and the zoo to resolve this planning conflict. Roeding Park has two existing entrance and exit points (Olive Avenue and Belmont Avenue), which would remain under the master plan scenario. Moreover, the HST project would construct new overcrossings at Olive Avenue and Belmont Avenue to carry traffic over the HST guideway, which would facilitate continued access to these existing entrance and exit points. The parties involved agree that utilizing Olive Avenue and Belmont Avenue as primary entrances to the zoo instead of Golden State Boulevard is a feasible solution. The involved parties agree that the goals of the Master Plans can be served with these entrances, and the Authority is continuing to work with the City of Fresno and the zoo on an MOU that will outline how the Master Plans will be updated to reflect the HST project.

Submission 1107 (Craig Scharton, City of Fresno, Development and Resource Management Department, September 19, 2011)

 REPORT TO THE HISTORIC PRESERVATION COMMISSION	AGENDA ITEM NO. VIA HPC MEETING: 09/19/11
	APPROVED BY
	DEPARTMENT DIRECTOR

September 19, 2011

FROM: CRAIG SCHARTON, Assistant Director
Development and Resource Management Department

BY: KARANA HATTERSLEY-DRAYTON
Historic Preservation Project Manager
Secretary, Historic Preservation Commission

SUBJECT: REVIEW AND PROVIDE COMMENTS ON THE PROJECT ENVIRONMENTAL IMPACT REPORTS/ENVIRONMENTAL IMPACT STATEMENTS FOR THE BAKERSFIELD TO FRESNO SECTION AND MERCED TO FRESNO SECTION OF THE CALIFORNIA HIGH-SPEED TRAIN PURSUANT TO FMC 12-1606(b) (5) AND (6).

RECOMMENDATION

Staff recommends that the Historic Preservation Commission:

1. Review and provide comments on the Historic Property Survey Report (HPSR) for the Merced-Fresno Section;
2. Review and provide comments on the Historic Architectural Survey Report (HASR) and the Historic Property Survey Report for the Fresno-Bakersfield Section (Fresno properties only);
3. Review and provide comments on the proposed plans for the Fresno Station; and
4. Discuss and provide comments for submission to the High-Speed Rail Authority on potentially significant impacts to historic resources and potential feasible mitigation measures to address potentially significant impacts to historic resources located within the City of Fresno and within the Area of Potential Effects (APE) for the California High-Speed Train.

EXECUTIVE SUMMARY

The California High-Speed Rail Authority (Authority) proposes to construct, operate and maintain an electric-powered high-speed train (HST) system in California. Two of the nine sections of the 800-mile route meet here in Fresno; a Merced to Fresno HST Project would connect a Merced station and a Fresno station. A Fresno to Bakersfield HST Project would connect Fresno with Bakersfield to the south. Due to federal funding, the project meets the definition of a "federal undertaking," pursuant to 36 CFR Part 800.16(y). As a consequence the Project must comply with both federal and California environmental laws and protocols. The Federal Railroad Administration (FRA) is the lead agency for compliance with both the National Environmental Policy Act (NEPA) as well as other federal laws. The California High-Speed Rail Authority is serving as a joint-lead agency under NEPA and is the lead agency for compliance under the California Environmental Quality Act.

In August the joint agencies released an EIS/EIR for the two sections, Merced to Fresno and Fresno to Bakersfield. As part of the technical studies for these environmental reports, historic surveys were prepared that identified and evaluated the cultural resources within the Project's Area of Potential Effects (APE), with "cultural resources" defined as including "prehistoric archaeological sites, historic-era sites, traditional cultural properties as well as historic buildings, structures, landscapes, districts and linear features." Pursuant to FMC 12-1606(b)(5) and (6) the Historic Preservation Commission has the authority to participate in environmental reviews and to comment on land use and planning as they may affect designated Historic Resources, Historic Districts and Heritage Properties "as the Commission deems appropriate." In addition, both federal and State statutes ensure public participation.

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BACKGROUND

The historic surveys prepared in support of the High-Speed Train Project evaluated properties using the explicit protocols delineated under Section 106 of the National Historic Preservation Act (1966, as amended). Thus the consultants, who all met the Secretary of the Interior's Professional Qualifications as archaeologists or architectural historians, prepared Area of Potential Effects (APE) maps for each section in consultation with the State Office of Historic Preservation. APE is defined as the "geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties" (CFR 800.16(d)). For the proposed HST corridor the APE for architectural resources generally included all properties at least 50 years of age within the proposed right-of-way and which were within 250 feet of the centerline (EIR/EIS Merced to Fresno 4-1). The APE for archaeological resources was narrower and only included resources within the area proposed for ground disturbance during construction.

1107-1

The use of the "50-year" rule---evaluating resources constructed prior to 1960--- is a tad unusual for transportation planning, as normally a "45-year" window is employed with the understanding that project construction will extend over several years. It will be useful to know whether resources will be reevaluated prior to construction, or not. It is also important to note that resources within an APE are not necessarily slated for demolition, but are included because of their adjacency to a project and the potential for indirect impacts.

Per federal and state protocols, the consultants for both the Merced to Fresno and Fresno to Bakersfield historic surveys prepared a historic context that identified the major themes and property types against which resources would be evaluated. Thereafter, through on-ground survey work each team prepared Department of Parks and Recreation Primary and Building, Structure and Object forms (523 A and B) for all properties that appeared to warrant evaluation. Through a Programmatic Agreement (PA) developed among the FRA, the Authority, the Advisory Council on Historic Preservation (ACHP), the State Historic Preservation Officer (SHPO) and consulting parties, including Native American Tribes, an overall framework for conducting Section 106 review was prepared, which included a provision for resources that could be streamlined, due to "substantial alterations and/or loss of integrity" and which were thus not fully evaluated on DPR survey forms.

1107-2

Resources were evaluated for their eligibility to the National Register of Historic Places (due to the federal funding and protocols) as well as to the California Register of Historical Resources (pursuant to PRC 5020.1(j) and 5024.1). Although properties already designated to Fresno's Local Register of Historic Resources were treated as historical resources under CEQA, it is critical to note that there may be properties, found ineligible to the National or state registers that MAY be eligible for the Local Register and if so designated in the future would meet the definition of a historical resource. A property slated for demolition will be subject to the demolition review protocol, as found in Fresno's 2025 General Plan and will be evaluated or reevaluated, as appropriate. It is therefore misleading to state that the 176 architectural resources not found eligible in the Fresno-Bakersfield corridor for the National or California Registers are also NOT eligible for listing in a local government register or inventory, as it is only the Fresno Historic Preservation Commission and the City Council which can make this determination.

Regarding historic surveys, the best consultants will readily admit that a survey rarely plumbs the depths of information on any resource: was this humble building the first African- American owned business in West Fresno? If it was, does that change its significance, or not? Consultants from outside a community bring an etic (external) perspective that is comparative and which is strengthened by work throughout a

Submission 1107 (Craig Scharton, City of Fresno, Development and Resource Management Department, September 19, 2011) - Continued

REPORT TO THE HISTORIC PRESERVATION COMMISSION
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region or state. However the local (emic) perspective is also invaluable. Therefore the "conversation" between staff/commissioners and consulting firms is critical, in order to best understand the potential importance of a resource.

Overall, the work included in these two surveys is excellent and will add immeasurably to the City's historic database. But there are some omissions (to be addressed) and due to the comprehensive nature of this work, a few errors. There are also minor conflicts with ongoing survey work, or survey work that was recently completed (such as the HUD required Section 106 review of the Hotel Fresno).

The EIR/EIRs overlap in their coverage: historic resources in Fresno's downtown are included in both documents and the findings are similar. To avoid confusion, the following discussion will use the boundaries adopted in the separate architectural surveys. The Merced to Fresno survey included resources north of Clinton, whereas the Fresno to Bakersfield survey included all resources in Fresno's downtown and south.

1. Review and provide comments on the Historic Property Survey Report (HPSR) for the Merced-Fresno Section:

The Merced to Fresno historic survey treated three properties--Roeding Park, the Forestiere Underground Gardens and the Weber Avenue Overcrossing (former highway bridge near Roeding Park) --- as historical resources pursuant to CEQA either because the resources were already listed on the National Register or were found eligible to the National Register in a prior survey. None of the other approximately 88 Fresno-area resources in this survey were evaluated as eligible for the California Register of Historical Resources or the National Register. The consultants used a district approach for three tracts, including the "Oak Park Acre Tract," the "W. Hammond Avenue District," and the N. Carruth Avenue District.

1107-3 | The McCardle Home, located at 417 W. Belmont Avenue, was found ineligible for listing to the National or California Registers; however it may warrant consideration for the Local Register of Historic Resources. Zacky Farms located at 315 N. H Street with its amazing grain elevations was not evaluated other than on a short streamlined documentation form due to replacement of windows, replacement of doors, altered fenestration and overall "loss of integrity." This c1920 property is included in the City's historic preservation database as HP# 068, although it was never actually designated. It would appear to warrant consideration for the Local Register and possibly the California Register.

1107-4 | A major omission in the survey was the lack of evaluation of either the Belmont Circle or the 1932 Belmont Subway and railroad bridge (technically a grade separation) which are all adjacent to and west of the Weber Avenue bridge, thus closer to the centerline of the proposed corridor. The Belmont Circle is the first traffic circle in Fresno and was deeded to the City in 1932. All of these resources will potentially be demolished and require evaluation pursuant to federal and state protocols.

1107-5 | Another potential resource is signs. The Sands Motel has long since lost its integrity but perhaps the sign is worthy of consideration? Regarding construction techniques and materials, one former restaurant within the APE appears to be built of Hans Sumpf stabilized adobe bricks. Although it is doubtful that this alone lifts the resource to a level of significance it is still a reason why a local perspective is important in evaluating resources.

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Direct Impacts to National Register or Eligible Buildings:

The **Weber Avenue Overcrossing** constructed in 1953 was the first vehicle bridge in California to use pre-stressed concrete. The bridge was found eligible to the National Register of Historic Places by the SHPO in 2005 under Criterion C at the State level of significance. The bridge will be demolished as it lies directly within the proposed corridor of the HST. In addition, the 1932 underpass, bridge and Belmont Circle immediately adjacent to the 1953 bridge will also apparently be removed. These resources need to be fully evaluated. Thanks to support from City of Fresno Public Works, Planning and Caltrans staff, we have assembled a file of data on the Circle and the underpass/railroad bridge.

1107-6 | The **Forestiere Underground Gardens** is also within the direct path for roadway improvements for all three alternatives of the High Speed Train. It is unclear what the impact to this National Register (State Landmark and Local Register) property will be from what appears to be a proposed property "take" from the northeast corner of the parcel. Vibrations and noise from construction also need to be considered. In addition, other sub-surface resources may exist within this immediate area. For example, years ago the "Hinojosa" property was discovered to have a small hardpan underground "residence" that used similar building techniques as found at the neighboring Gardens.

Indirect Adverse Effects:

1107-7 | **Roeding Park** lies west of and is immediately adjacent to the proposed at-grade rail corridor which will introduce visual elements as well as potential noise which would diminish the significant features of the property. The HST will not permanently acquire land from the park. At the southern portion of the park the tracks will descend below ground into a retained cut to cross State Route 180. The most critical impact appears to be from noise, which may be mitigated through construction of a sound barrier.

Questions:

- Is there an impact to cemeteries that are near Roeding Park?

Recommendations for Fresno Resources, Merced to Fresno Section:

- 1107-8 |
- 1107-9 |
- 1) The Historic Preservation Commission may wish to consider the eligibility of the McCardle Home and Zacky Farms to the Local Register of Historic Resources and/or to the California Register of Historical Resources.
 - 2) The Belmont Circle, the Belmont Underpass and Railroad Bridge (1932) all need to be formally evaluated for the National, California and Local Registers as an update to the HST historic survey.
 - 3) The City needs more explicit information regarding potential impacts to the Forestiere Underground Gardens, a world-class site.
 - 4) The HPC should request that archaeological mitigation measure #4 be required for the area surrounding the Gardens, due to the potential for other sub-surface resources and in order to monitor impacts to the Gardens during construction.

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2. Review and provide comments on the Historic Architectural Survey Report (HASR) and the Historic Property Survey Report for the Fresno-Bakersfield Section (Fresno properties only):

The Historic surveys for the Fresno to Bakersfield evaluated approximately 228 resources within the APE of the Fresno to Bakersfield Corridor. Of this number 176 were found ineligible to the National Register of Historic Places or the California Register of Historical Resources but were evaluated on DPR forms as included within the "Historic Architectural Survey Report" (HASR). A few of these properties found ineligible by the consultants in the HSR survey have been treated as potentially eligible properties for either the California Register or Fresno's Local Register of Historical Resources in prior or concurrent surveys prepared by City staff and consultants (to be discussed further). Fifty-two known and potential historic properties (pursuant to the National Register protocols) and historical resources (CEQA only) were identified within the APE and were reported in a separate document, the Historic Property Survey Report (HPSR). Of these 52, 25 properties were listed, have been determined eligible for listing, or appear to be eligible for listing in the National Register, pending SHPO concurrence. The consultants found that 27 of the 52 properties were not eligible for listing in the National Register but are listed or are eligible for listing in the California Register of Historical Resources or are on local government registers or inventories. All of these resources were considered historical resources for the purposes of CEQA.

New National Register Eligible Buildings:

Several local Fresno landmarks were found eligible for listing on the National Register of Historic Places: Hotel Fresno (Criterion C); the Crest Theater (Criterion C); The Fresno Fire Department Station #3 (Criteria A and C); the Basque Hotel/E.A. Walrond Building (Criterion A); First Mexican Baptist Church (A and C); Radin-Kamp Building (J.C. Penneys) (Criterion C); Bank of Italy/America (Chinatown, Criteria A and C); Vartanian Home (A and C); Holt Lumber Company (Criterion C) and the Van Ness Gateway (A and C).

Staff concurs with the evaluation of these buildings for the National Register of Historic Places with these caveats and corrections:

- The Hotel Fresno was previously found eligible by staff to the National Register under Criteria A and C with concurrence by the SHPO on May 10, 2011.
- The Crest Theater historic property number is HP#270.
- The Basque Hotel (1102 F Street) was actually only purchased by a Basque family in 1937, at which time the *pilota* court was installed. As a working class hotel the building, like the Hotel Virginia, would appear to be eligible to the National Register but the period of significance may need to be reconsidered, or broadened.
- The Azteca Theatre (836-840 F Street) is potentially eligible for the National Register of Historic Places due to its association with Arturo Tirado and the role the theatre played in community life for the region's *Mexicano* population in the 1950s and 1960s. Tirado was born into a show business family in Mexico City and from 1956 into the 1960s ran a program of Spanish-only films at the Azteca which often featured personal appearances by stars of the Mexican cinema. After the decline of the film industry in the 1960s the Azteca functioned as an important community center for the community. (See Manuel G. Gonzales, "Arthur Tirado and the Teatro Azteca: Mexican Popular Culture in the Central San Joaquin Valley," *California History* 83:4, 2006.

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Resources Previously Found Eligible to the California Register in a Professional Survey:

The following properties have been treated by the consultants as historical resources pursuant to CEQA due to their inclusion in a prior survey, in which the resource was evaluated as individually eligible to the California Register of Historical Resources:

- Bud and Quinn Showroom (1560 H Street)
- H.E. Jaynes and Son (1454 H Street)
- H.E. Jaynes and Son (1452 H Street)
- 1416 Broadway
- Mayflower Hotel (Apartments) (1415 Broadway)
- Dick's Shoes (1522-1526 Kern Street)
- Azteca Theatre (836-840 F Street)
- Komoto's Department Store and Hotel (1536-1542 Kern Street)

Staff concurs with these findings with the following caveats:

- Mayflower Apartments (original name), evaluated as potentially eligible for the Local Register in a 1994 survey and as potentially eligible for individual listing for the California Register in a 2004 survey, has been significantly altered, due to its recent adaptive reuse as loft apartments (2011). The Commission may wish to comment on the building's eligibility.
- The California Packing Corporation Water Tower (503 G Street) was evaluated by staff for the "Renaissance at Santa Clara Residential Development Project" (February 4, 2011) and was found eligible to the California Register under Criteria 1 and 3 as well as Fresno's Local Register under Criteria i and iii. Survey was submitted to the Office of Historic Preservation.

Resources Newly Found Individually Eligible to the California Register:

- H. Sargavak Building (942 Fagan Alley)

Additional Properties Treated as Historical Resources for the Purposes of CEQA:

Several buildings which were evaluated in prior surveys as contributors to a potential but not designated Local Register District or as individually eligible to Fresno's Local Register have been treated as historical resources for the purposes of CEQA. It should be noted that this is in conflict with the City of Fresno's legal interpretation of CEQA and historical resources:

- Bud and Quinn (1514-1518 H Street)
- Peacock Department Store Building (937 F Street)
- 938-952 F
- 1528-1548 Tulare
- Haruji Ego Family Building (956 China Alley) (Heritage Property #008)
- Pacific Coast Seeded Raisin Company/Del Monte Plant (1946 portion of building only)

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Staff has no objections to these buildings, many of them located in Chinatown, as being treated as "historical resources," for the purposes of this Project with one caveat:

- The Pacific Coast Seeded Raisin Company/Del Monte Plant No. 68 was evaluated in the 1994 Ratkovich Plan survey. The original plant was constructed in 1919 and the complex of buildings has been heavily modified over time. The portion found eligible in the 1994 survey is the 1946 3-story international style raisin packing plant designed by Kump and Falk of San Francisco. The consultants have re-evaluated the Calpak/Del Monte Plant No. 68 and have concluded that it is not eligible for the National or California Registers but appears to be eligible for the Local Register, with the boundary of the resource the legal parcel. The building is within the footprint of the proposed Mariposa Street Fresno Rail Station as well as the actual rail corridor and is slated for demolition, which if it meets the definition of a historical resource will require mitigation. Only the Historic Preservation Commission and the Fresno City Council are authorized under the City's Historic Preservation Ordinance to designate a resource to the Local Register and the Commission is encouraged to consider the building's eligibility.

Indirect Impacts to National Register Properties:

The BNSF Alternative Alignment includes construction of a Tulare Street overcrossing that would be adjacent to several historic buildings and due to the size, scale and massing of the elevated structure would cause indirect adverse effects to both the Southern Pacific Railroad Depot as well as the Bank of Italy/America (1001 Fulton Mall).

Indirect Impacts to Historical Resources (CEQA) Due to the Tulare Street OC:

The BNSF Alternative Alignment would also cause an indirect impact to several resources that are considered historical resources under CEQA (only) due to both the Overcrossing but also due to the demolition of buildings on the east side of G Street and the concomitant change in the setting:

- 1528-1548 Tulare
- Haruji Ego Family Building
- Hobbs Parsons Produce Building
- Komoto's Department Store and Hotel

Staff Recommendation:

An option to the Tulare Street bridge/overcrossing is an undercrossing. This option would avoid the indirect visual impacts to these resources and it is recommended that the Commission support this option.

REPORT TO THE HISTORIC PRESERVATION COMMISSION
Staff report for High-Speed Train
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3) Review and provide comments on the proposed plans for the Fresno Station:

There are two alternative sites for the Fresno Station, the Mariposa Street Station alternative and the Kern Street Station. In brief, the Mariposa Street Station would incorporate the 1889 Southern Pacific Railroad Station as well as the 1922 Pullman Shed into the project footprint, retaining both buildings. The Kern Street Alternative would require the demolition of the Hobbs Parsons Produce Company (1903; HP#169). Both alternatives would require the demolition of the Del Monte Plant #68 complex. It is the staff understanding that any final building plans for the Station would need to be further reviewed by the Commission at a future date.

Staff Recommendation:

Staff recommends that the Commission support the Mariposa Street Station as the most prudent and feasible alternative.

3. Discuss and provide comments for submission to the High-Speed Rail Authority on potentially significant impacts to historic resources and potential feasible mitigation measures to address potentially significant impacts to historic resources located within the City of Fresno and within the Area of Potential Effects (APE) for the California High-Speed Train.

The Project EIR/EIS for both sections include a series of mitigation measures for archaeological and historical resources (please see these sections). Arch-MM#4: Conduct Archaeological Monitoring in Proximity to Identified Sites of Areas of Sensitivity is critical, as it would require a qualified archaeologist to be on site during construction. The EIR/EIS does not include specific mitigation measures for sensitive resources and so there is no guarantee of which mitigation measures will be applied, when, where, or by whom (thus who is responsible for the measure).

Staff Recommendations:

Staff recommends that Arch-MM#4 be required for the area adjacent to the Forestiere Underground Gardens as well as all areas impacted by the proposed Fresno Station, due to the sensitivity and the potential for sub-surface resources within Chinatown and the old rail corridor. Staff also recommends that the Final EIR/EIS include a Project Specific Mitigation Monitoring Program with specific agency responsibilities for the mitigation measures.

CONCLUSION

The proposed 800-mile High-Speed Train System will link the San Joaquin Valley to points north and south and will potentially transform the City of Fresno's downtown. It is our future. However, the proposed project will also have a potential and profound impact on the environment, including cultural (archaeological and historic) resources. It is therefore critical for City staff, the Historic Preservation Commission and the preservation community at large to carefully review and comment on this very important project.

Submission 1107 (Craig Scharton, City of Fresno, Development and Resource Management
Department, September 19, 2011) - Continued

REPORT TO THE HISTORIC PRESERVATION COMMISSION
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In addition to any comments or suggestions which the Commission may choose to provide to the Federal Rail Administration, Staff recommends the following:

- 1) The Historic Preservation Commission may wish to consider the eligibility of the McCordle Home and Zacky Farms to the Local Register of Historic Resources and/or to the California Register of Historical Resources.
- 2) The Belmont Circle, the Belmont Underpass and Railroad Bridge (1932) all need to be formally evaluated for the National, California and Local Registers as an update to the HST historic survey. The Commission may also choose to evaluate these resources for designation to Fresno's Local Register of Historic Resources.
- 3) The City needs more explicit information regarding potential impacts to the Forestiere Underground Gardens, a world-class site. Any demolition permit (through a take of a portion of the property) will be reviewed by the Historic Preservation Commission which, through the City's Historic Preservation Ordinance, has discretion over permits for designated historic properties.
- 4) Staff recommends that Arch-MM#4 be required for the area adjacent to the Forestiere Underground Gardens as well as all areas impacted by the proposed Fresno Station, due to the sensitivity and the potential for sub-surface resources within Chinatown and the old rail corridor.
- 5) Staff recommends that the Teatro Azteca (The Aztec Theater) be considered for eligibility to the National Register of Historic Places, due to its association with Arturo Tirado and the importance of the theater to the Hispanic community in the 1950s and 1960s.
- 6) The Commission should consider whether the former Del Monte Plant #68 retains sufficient integrity as well as historic significance to be eligible for listing on the Local Register. If not, it should not be considered a "historical resource" for the purposes of CEQA and will not require extensive mitigation.
- 7) Staff recommends that the Commission support the Tulare Street Undercrossing option, as preferable to the overcrossing, due to the indirect visual effects caused by the mass and height of the proposed bridge (OC) structure.
- 8) Staff recommends that the Commission support the Mariposa Street Station as the most prudent and feasible alternative.
- 9) Staff also recommends that the Final EIR/EIS include a Project Specific Mitigation Monitoring Program with specific agency responsibilities for the mitigation measures.

In addition, the following appear to be errors of fact and should be reviewed and corrected:

- 1) The order of resources documented in the Merced-Fresno historic survey should follow in a north-south pattern, thus the Underground Gardens are north of Roeding Park.
- 2) Table 4-4 in the 4(f) section does not include some National Register properties, such as the Fulton Mall's Bank of Italy. Perhaps there is a rationale to this?
- 3) Page 3.17-37 (of the EIR/EIS Fresno to Bakersfield) refers to Table 3.17-6; it is actually 17-7.
- 4) Hotel Fresno was found eligible to the National Register under Criteria A and C with concurrence from the SHPO on May 10, 2011.
- 5) The Crest Theater is HP#270.
- 6) The Southern Pacific Railroad Depot was built in 1889 (early references have an 1899 date). It is not correct to state that the Pullman Shed is also on the National Register as, unfortunately, the earlier NR nomination did not include the 1922 shed. Later attempts to correct this omission with the SHPO were not completed. However, according to staff at the California State Railroad Museum, the Pullman Shed appears to be the only extant resource of its kind in the United States and is certainly eligible for individually listing on the National, California and Local Registers.

REPORT TO THE HISTORIC PRESERVATION COMMISSION
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- 7) Under Table 3.17-1 it might be useful to mention that the City's Historic Preservation Ordinance established and provides for both the Local Register of Historic Resources as well as the City's Historic Preservation Commission.
- 8) Page 3.17-14 in the Fresno to Bakersfield EIS, reference to Table 3.17-4 is actually 17-7.
- 9) In addition, tables in the HPSR Fresno to Bakersfield incorrectly identify the status code for the following properties:
 - Parker Nash, Benham Ice Cream/Dale Brothers Coffee Building and sign, Hobbs Parsons Produce, the Liberty Laundry and the Baskins Auto Supply Sign should all be 5S1 as they are designated properties on Fresno's Local Register of Historic Resources.

Attachments: Exhibit A - California High-Speed Train Project Draft Environmental Impact Report and Environmental Impact Statement for the Merced to Fresno Section and the Fresno to Bakersfield Section, 8 August 2011 (<http://www.cahighspeedrail.ca.gov/newsfacts.aspx>)
Exhibit B - "California High-Speed Train Historic Property Survey Report Information" Fresno to Bakersfield Section and "Historic Architectural Survey Report" Fresno to Bakersfield (Fresno resources only) September 2011 (www.fresno.gov/preservation)
Exhibit C - 2008 Aerial of the Belmont Circle, Fresno.

Response to Submission 1107 (Craig Scharton, City of Fresno, Development and Resource Management Department, September 19, 2011)

1107-1

See MF-Response-CULTURAL-2.

1107-2

Comment noted. The DEIR/EIS took into account previous local built environment surveys to ensure that the HST survey included all potential individual resources, as well as districts and potential districts, such as the Warehouse District. Section 3.17 presents the findings of this study and has adequately identified built environment resources for the purposes of Section 106 and CEQA as they pertain to historical resources.

1107-3

See MF-Response-CULTURAL-2.

1107-4

See MF-Response-CULTURAL-4.

1107-5

See MF-Response-CULTURAL-2.

1107-6

See MF-Response-CULTURAL-5.

1107-7

There are no cemeteries within the Area of Potential Effect (APE) surrounding Roeding Park. All known cemeteries are west of the park, and will not be impacted by any project activities.

1107-8

See MF-Response-CULTURAL-5.

1107-9

MF-Response-CULTURAL-2 and MF-Response-CULTURAL-5.

Submission 549 (Thomas J. Haglund, City of Gilroy, October 11, 2011)



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Thomas J. Haglund
CITY ADMINISTRATOR

October 6, 2011

California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

**Subject: Merced to Fresno Draft EIR/EIS Comments
Safety and Security**

To the California High-Speed Rail Authority:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the Merced to Fresno section of California's proposed high-speed train system.

We appreciate the effort that the Authority has put into this draft document. However, we must emphatically state that the Authority's proposed approach to mitigating fire, rescue, and emergency services impacts is inadequate. The proposed mitigation will place an unfair cost burden on the cities of Merced and Fresno for at least a limited amount of time, and potentially for an indefinite period after the high-speed train (HST) system is operational. In addition, it will fail to mitigate the substantially degraded response times for emergency services that are all but certain to occur. Finally, it will improperly defer mitigation of the likely impacts of the HST system. If a similar approach is used in the San Jose to Merced DEIR/DEIS, the City of Gilroy will strongly oppose the proposed mitigation.

Description of Impact is Inadequate

The DEIR/DEIS acknowledges that the HST will impact emergency services in Merced and Fresno. On page 3.11-26, the DEIR/DEIS states:

The stations (and associated redevelopment and economic activity) could increase demand for local emergency responders, which could increase response times and require new or physically altered government facilities that might impact the environment. This is a potentially moderate impact under [the National Environmental Policy Act (NEPA)] and a significant impact under [the California Environmental Quality Act (CEQA)].

The significant impact described above, along with another related to a potential heavy maintenance facility (HMF), is summarized in impact Safety & Security #2 as:

Increased demand for fire, rescue, and emergency services at stations and HMF.

549-1

The DEIR/DEIS must state clearly that *the mere presence of the stations themselves is certain to increase demand for local emergency responders. If a crime occurs at a HST station, or if a passenger suffers a heart attack, the local police and fire departments in Merced and Fresno will be the first responders. Simply by introducing thousands of passengers into the cities of Merced and Fresno, the demand is guaranteed to increase.*

In addition, CEQA Guidelines § 15146(a) states that "[a]n EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance[,] because the effects of the construction can be predicted with greater accuracy." In the case of the HST project, the Authority has created detailed ridership projections showing how many passengers are expected per day at its HST stations. Given this information, the DEIR/DEIS could use input from local police and fire departments to identify the additional facilities that would likely be needed. (This level of analysis is standard even for more general programmatic EIRs.) This additional input would provide a basis for a "more detailed" analysis of "the specific effects of the project." However, the DEIR/DEIS contains only a vague, speculative discussion regarding the project's effects on emergency services.

549-2

Proposed Mitigation Measure is Inadequate

The DEIR/DEIS' proposed mitigation measure for the impact described above, Safety & Security – Mitigation Measure #2, states:

Monitor response of local fire, rescue, and emergency service providers to incidents at stations and the HMF.

On page 3.11-32, the DEIR/DEIS further states:

If it were determined that the HST project increased demand for these services, a fair-share impact fee to local service providers would be negotiated, which would reduce effects to negligible under NEPA and less than significant under CEQA.

However, the additional text on page 3.11-32 is not part of the proposed mitigation.

The proposed mitigation is inadequate. CEQA Guidelines § 15126.4(a)(2) states that "[m]itigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments." However, the DEIR/DEIS does not identify any "legally binding instrument" that would ensure implementation of this mitigation measure. Instead, it provides a noncommittal pledge to "monitor" response times, without stating how or when they would be monitored. It also states that an impact fee "would be negotiated" if there is increased demand for emergency services, although even this vague statement is not part of the mitigation. These measures are wholly inadequate to ensure that the cities of Merced and Fresno can maintain their emergency response times at an acceptable level without incurring substantial costs of their own. In short, the mitigation measure does not fulfill the CEQA Guidelines' requirement for a "legally binding instrument."

549-1

Submission 549 (Thomas J. Haglund, City of Gilroy, October 11, 2011) - Continued

549-2

Proposed Mitigation Measure Constitutes Improper Deferred Mitigation¹

Perhaps most importantly, California's courts have held consistently that development of a mitigation measure generally cannot be deferred until a future time. See, for example, *Endangered Habitats League v. County of Orange* (2005, 32 Cal.Rptr.3d 177) and *Defend the Bay v. City of Irvine* (2004, 15 Cal. Rptr. 3d 176).

In some cases, when an agency truly cannot develop a mitigation measure at the time it prepares an EIR, it may be proper to defer mitigation until a future study is prepared, provided that clear, enforceable criteria are included in the EIR to state what concrete actions will be taken after the study is completed. But in this case, it is not necessary or proper to defer mitigation. Moreover, mitigation measure S&S-MM#2 fails the test for an adequate deferred mitigation, as articulated in *Endangered Habitats League* and *Defend the Bay* and summarized by Bass and Rivasplata (2006):

First, the agency must establish performance standards for what the end result of mitigation must achieve (some agencies call this the desired *future condition*). Second, the agency must provide a range of options from which the applicant or agency staffs can choose to achieve the stated performance standards. Third, the agency must commit itself to the mitigation.

Safety & Security – Mitigation Measure #2 fails each part of this test. It does not establish performance standards, instead calling for CHSRA to “monitor” responses to incidents at the HST station. It also does not provide a range of options for achieving the mitigation’s intended outcome. Finally, it does not create any sort of commitment on the part of CHSRA. In short, it would be wholly inadequate even if it were proper to defer the mitigation.

Again, we thank the Authority for the opportunity to submit these comments, and we look forward to seeing them addressed in the Final EIR/EIS. We also anticipate a much more thorough approach to this issue in the San Jose to Merced DEIR/DEIS, particularly for the East of Gilroy station site, which cannot be served adequately by Gilroy’s existing emergency services.

Very truly yours,



Thomas J. Haglund
City Administrator

¹ The analysis in this section draws from Bass, Ron, and Terry Rivasplata, 2006, “Deferred Mitigation’ Under CEQA: A Fresh Look at an Old Issue.” Available at <<http://www.icfi.com/insights/white-papers/2006/deferred-mitigation-under-ceqa>>. Accessed September 26, 2011.

Response to Submission 549 (Thomas J. Haglund, City of Gilroy, October 11, 2011)

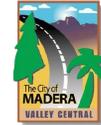
549-1

See MF-Response-S&S-6 and MF-Response-GENERAL-1.

549-2

See MF-Response-S&S-6 and MF-Response-S&S-7.

Submission 582 (Robert L. Poythress, City of Madera, October 12, 2011)



Merced - Fresno - RECORD #582 DETAIL

Status : Action Pending
Record Date : 10/12/2011
Response Requested :
Stakeholder Type : Government
Submission Date : 10/12/2011
Submission Method : Project Email
First Name : Robert L.
Last Name : Poythress
Professional Title : Mayor
Business/Organization : City of Madera
Address : 205 W. 4th Street
Apt./Suite No. :
City : Madera
State : CA
Zip Code : 93637
Telephone : (559) 661-5400
Email : dmerchen@cityofmadera.com
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List : Yes
Stakeholder Comments/Issues : HSR Project Team,
 The City of Madera's comment letter on the Merced-to-Fresno Draft EIR/EIS is attached. Please confirm receipt of our comment letter with an emailed response.
 Thank you.
 David Merchen, Community Development Director
 City of Madera
 205 W. 4th Street
 Madera, Ca 93637
 (559) 661-5430
EIR/EIS Comment : Yes
Attachments : City of Madera - Fresno to MercedDEIR-DEIS _ FINALComment Letter.pdf (758 kb)

October 12, 2011

California High-Speed Rail Authority
 Merced to Fresno Draft EIR/EIS Comments
 770 L Street, Suite 800
 Sacramento, CA 95814

RE: City of Madera Comments on Merced to Fresno Draft EIR/EIS

Dear Sir or Madam,

The City of Madera appreciates the opportunity to comment on the Draft EIR/EIS for the Merced to Fresno section of the California High Speed Rail Project ("the Project"). We recognize the tremendous scope of the Project and the difficulty in attempting to analyze and address all potential impacts. The City of Madera understands that the Draft EIR/EIS is intended to serve as a project-level document, and that additional environmental review will not be required in order to construct the Project after the Final EIR/EIS and Record of Decision are certified.

582-1

Each of the three alternative alignments would affect the community of Madera. However, we believe that the BNSF and Hybrid Alternatives present the least impacts to Madera community while continuing to meet all Project objectives. These options would avoid severe disruption to the heart of the Madera community and the impacts such disruption would create. Further, we understand that substantial cost savings to the Project would be realized with the selection of either of these routes in comparison to the UPRR/SR 99 Alternative.

As the City has previously described in comments and correspondence on the Project, we believe that development of the UPRR/SR 99 alignment will result in detrimental impacts to the community which cannot be fully mitigated. Loss of businesses and employment opportunities, loss of sales and property tax revenue, reduced development and redevelopment potential, visual impacts, community division, noise impacts, etc. will be the lasting effects on the Madera community should the UPRR/SR 99 Alternative be selected. Our review demonstrates that the Draft EIR/EIS not only failed to identify feasible mitigation measures that would lessen the severity of these impacts, but concluded that little or no impact to the Madera community would occur despite the massive disruption the Project would entail. Our comments on the Project are outlined below.

General Comments

582-2

1. Inadequate Review Period. The burden of reviewing and commenting on the Draft EIR/EIS within the designated comment period is unreasonable and disproportionate to small agencies with limited staff, including Madera. Volume 1 of the Draft EIR/EIS alone is comprised of several hundred pages of text. However, that volume tends to contain summary information with references to thousands of additional pages of text and graphics in separate documents, some of which are included as appendices and some are not. While we remain concerned that the methodology and approach utilized to prepare the EIR/EIS is inadequate to fully disclose impacts to the Madera community, it has not been possible to develop a complete understanding of how the technical studies and supporting documents were utilized to reach the conclusions presented in the Draft EIR/EIS. This

Submission 582 (Robert L. Poythress, City of Madera, October 12, 2011) - Continued

582-2

dilemma is magnified by the fact that an already small staff typical of medium and small cities like Madera has shrunken due to economic conditions. A revised Draft EIR/EIS, when completed, should be circulated for at least a 90 day period.

582-3

2. Mitigation Measures. Many mitigation measures identified in the document (including those related to noise, aesthetics, and physical deterioration, as examples) fail to identify specific measures that will be taken to reduce significant or potentially significant impacts to less than significant levels. Measures calling for "consideration of" or "cooperation with", for instance, appear to be based on the hope that they will have a beneficial effect and are not supported by any evidence that the impacts will actually be reduced to less than significant levels. These measures do not appear to be enforceable through legally binding instrument, nor do they appear to incorporate performance criteria which would demonstrate how the significance of impacts would be reduced.

582-4

3. Existing Transportation Corridor. Reference is made throughout the document, particularly in relation to the UPRR/SR 99 Alignment Alternative, as to the addition of HST facility to an existing transportation corridor. This reference is frequently made as the sole justification to consider the impacts of the HSR Project less than significant because "the impacts have already been created by the existing transportation corridor." This justification is inaccurate and a major flaw in the document. It is correct that Freeway 99 and the existing UPRR tracks traverse through the community. However, there is little or no similarity between those existing at or below grade facilities and the elevated viaduct that is proposed with the UPRR/SR 99 Alternative. That alignment would place elevated tracks at more than 50' above the existing ground surface, supported by more than 400 columns, each 10' diameter and more than 40' tall, through the existing city limits. The Project would run 272 trains at 220 miles per hour through the community each day. Nothing resembling that facility is presently in place. The impacts that would be created by HSR on the UPRR/SR 99 Alignment are new and unique, and the conclusion that the impacts of the HSR facility are somehow less significant because of the presence of the existing facilities is false and misleading.

582-5

Alternatives

4. Project Alternatives – At-Grade and Below-Grade Options for UPRR/SR 99 Alternative. The Draft EIR/EIS does not consider the potential for at-grade or below-grade (trench) options for the UPRR/SR 99 Alternative that may have the potential to lessen impacts in Madera. It appears as though these alternatives have been or are being considered in various sections (or parts of sections) of the Statewide HST project. The EIR/EIS needs to fully evaluate both at-grade and below-grade alternatives, including all design features and community improvements necessary to implement each of them. The impacts and mitigation measures associated with each alternative should be analyzed and disclosed.
5. Project Description – Amtrak Connection. The Authority has selected the initial phase of construction for the HSR Project with the community of "Borden" as its southern limits, with the potential for the initial construction to extend south of Borden if sufficient funding is available. At least a portion of the initial construction would occur within the Merced-to-Fresno segment. The Authority has also publicly described the potential for the "Independent Utility" requirement to be met by utilizing the new rail corridor for Amtrak facilities. In light of information provided to the Authority, and the Authority's acknowledgement of funding uncertainties for the remainder of the

582-5

Statewide Project, the need to utilize HST facilities for Amtrak in order to maintain the independent utility requirement is reasonably foreseeable. How is this connection reflected in the project description, and how are the unique impacts of Amtrak traffic on HST corridor analyzed in the document? Would service at Madera's existing Amtrak station be affected?

6. BNSF (and Hybrid) Alternative. The BNSF alternative is described as following the existing BNSF transportation corridor. Just south of Madera, the BNSF Alternative (and the Hybrid) deviates from the existing transportation corridor and traverses through agricultural land before paralleling the UPRR tracks. It is unclear why this alternative leaves the BNSF corridor just south of Madera, when it appears that it could follow the alignment south towards Fresno for some additional distance, thereby minimizing agricultural impacts and maximizing dual facility - road and rail corridor - overcrossings.
7. Section 2.2.1 System Design. The system design notes that the guideway would be designed to keep persons, animals, and obstructions off the tracks, and would include an intrusion monitoring system. What would these features be comprised of for the at-grade (BNSF) and elevated (UPRR/SR 99) alternatives? Have the environmental effects of those features been analyzed in the EIR/EIS?
8. Table 2-1. System Capabilities. The discussion notes that the system is capable of operating parcel and special freight service as a secondary use. How would that "secondary use" be incorporated into system operations? For instance, would overnight-use be allowed? Have potential impacts from such secondary uses been analyzed, or would they be prohibited?
9. Section 2.2 – Top of Page 2-6. The description of Project features notes that "communication towers" would be located every 2-3 miles, including 100 foot tall communications poles. The locations of those communications poles could not be identified. As the presence of even a single 100' tall communications pole would present unique impacts in addition to the impacts of the tracks themselves, the specific locations should be identified and the impacts of their placements disclosed.
10. Section 2.2.3. Stations. During Technical Working Group meetings, the potential for HSR maintenance facilities to accommodate passengers on a modified basis was discussed. That potential would apply to maintenance facilities not within close proximity to a full station. While no such features are currently planned, the potential for passenger accommodations at maintenance facilities should be identified, in order to remove a barrier to their occurrence if ultimately proven to be feasible and beneficial.
11. Section 2.2.7. Traction Power Distribution. The need for additional power distribution facilities is identified, including but not limited to track power substations (2.2.7.1), switching and paralleling stations (2.2.7.2), and signaling and train control elements (2.2.7.4). It is unclear where within the Madera planning area each of these features would be placed. As they present the potential for unique impacts, their specific locations should be identified and the impacts of their placements disclosed.
12. Power Lines. All references within the document, including each of its various sections, to new or replaced power lines should reflect Madera's policy that all utility lines be placed underground. This policy should be implemented within City of Madera's General Plan growth boundary, which extends from Avenue 11½ on the south to roughly Avenue 19 on the north.

Submission 582 (Robert L. Poythress, City of Madera, October 12, 2011) - Continued

582-5

13. Figures 2-47 and 2-50. These figures show general locations of road modifications and reference numbers are listed for each modified road (presumably). We were unable to locate the corresponding data which relates to these reference numbers and describes what road/street would specifically be modified and what actual modification may occur. We are uncertain how to evaluate potential impacts of these modifications when the Draft EIR/EIS does not make it clear what changes are proposed.

14. Section 2.6.2 First Bullet Point - Maintenance. This section describes maintenance activities on the tracks that would occur between midnight and 5:00 a.m. These activities would occur during the time most sensitive to disruption from noise. Has the maintenance train noise, as well as any additional noise created by maintenance activities, been incorporated into the noise analysis? If so, where specifically would we see that information?

Additionally, related to maintenance, we cannot find a specific discussion of maintenance responsibilities for features associated with the HSR corridor, such as landscaping within the corridor and graffiti removal.

15. Section 2.7.1 Land Use Patterns. The discussion beginning on page 2-94 describes goals, policies, and objectives related to discouraging sprawl and positively affecting land use patterns by stimulating infill. This discussion focuses on the benefits of station area planning and the potential for new stations to generate or stimulate infill development. The discussion does not evaluate these goals, policies and objectives as they relate to the alignment alternatives away from stations. Later in the document (Chapter 3.12), the EIR/EIS identifies the potential for the UPRR/SR 99 alignment (in the City of Madera) to generate impacts that would discourage infill:

For communities that are farther from the HST station areas [...including Madera...] there is a potential for physical deterioration adjacent to the HST corridor that could result in negative impacts. the presence of HST may reduce interest in new development and cause land to be underused, perpetuating a void in these communities. Page 3.12-39.

To the extent HST causes direct physical impacts which limit or hinder development within Madera's core, or indirect impacts which create the stigma of living "under the tracks," the potential for infill development will be severely hampered by the selection and development of the UPRR/SR 99 Alternative. This negative outcome should be described alongside the potential for the positive affects around HST stations.

16. Page 2-96. Section 2.71. The concluding paragraph of Section 2.71 (Page 2-96) makes an overly broad statement that the Project "would serve to reinforce cities as hubs of the economy and future growth and would save land and water, reduce energy use, improve air quality and save money." It is unclear how the Project would reinforce Madera as a hub of the economy. It is more accurate to say that some cities (with stations) may experience that affect, while others may experience negative impacts.

582-6

Transportation

17. Section 3.2.2.3 Regional and Local Plans. Table 3.2-1 is described as listing regional and local plans and policies that were identified and considered in the preparation of the analysis. The table itself provides a "Summary". It is unclear whether just the goals listed in the summary were considered, or whether all of the goals and policies in the identified plans were considered. The City of Madera General Plan contains many more goals and policies than were identified in this table. Later in the

582-6

chapter (Page 3.2-29) the discussion notes that the Project is consistent with the plans and policies in this table. Because the City of Madera General Plan Circulation Element contains at least one policy that specifically directs the HST away from the UPRR alignment, it is clear that the UPRR/SR 99 Alternative is not consistent with all of the plans identified. This discussion is confusing and potentially misleading.

18. Section 3.2.5.3 Construction Period Impacts (Page 3.2-30). The discussion of construction period impacts does not identify construction-related conflicts or disturbances in the City of Madera. These effects are only described generally, with the analysis indicating that such affects are *temporary and are not considered impacts*. Because CEQA requires an evaluation of construction related impacts, it is unclear why the analysis would make a blanket statement that the temporary nature of construction effects precludes the occurrence of impacts? Additionally, in light of the blanket description of construction effects, it is unclear why numerous and specific "Construction Impacts on Circulation" are then identified and discussed for the Merced and Fresno HST stations?

19. Section 3.2.5.3 Construction Period Impacts. The general discussion of construction disturbances notes that a construction access plan would be developed prior to construction and would be *reviewed* by cities. Such plan must be subject to the *approval* of the affected local agencies, not simply the review of those agencies.

Is the description of the construction access plan on page 3.2-30 intended to be the same document as the construction transportation plan described on page 3.2-107? If so, these should be consistently described, and must require the approval of the local agency.

20. Page 3.2-35. Changes in Conventional Passenger Rail Service. The meaning of this paragraph is unclear. While the initial sentence suggests that the Amtrak San Joaquin may be adjusted to function as a feeder service, the next sentence suggests that Amtrak service may be discontinued in Madera. What is the intended meaning of this paragraph? If an impact of the Project is the loss of Madera's only passenger rail service, which also serves the broader Madera County community, mitigation should be identified which provides a public transit link between the community and one or more HST stations.

21. Page 3.2-35. Pedestrian and Bicycle Impacts. This paragraph describes "the corridor" and we presume that it refers to the UPRR/SR 99 potential alignment? Does this analysis consider the disruption to local linear parks and trails which function as bicycle and pedestrian facilities? Does the analysis include a determination that the noise and vibration created by the HST will be conducive to bicycle and pedestrian use underneath and adjacent to the tracks? If so, where specifically is that information in the document found?

22. Page 3.2-36. Altering Freight Rail Transportation. As described by City of Madera during Technical Working Group meetings, the City's 2009 General Plan established an industrial land use cluster on the eastern edge of the growth boundary to diversify the City's employment centers and to take advantage of rail frontage along the BNSF tracks. Land use and circulation patterns have been planned to support the eventual development of that industrial area. General Plan Policy CI-39 identifies the need for rail access to this area:

The City supports the timely extension of rail service to the industrial area east of Highway 99 to provide an incentive to development in this area.

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The design of the BNSF Alternative for this segment should incorporate the potential to add rail access to this area as called for in the Madera General Plan. While the City would not expect the HSR project to physically construct a spur or similar feature (unless future construction would be infeasible) it is the City's belief that the HSR design should not preclude its eventual development, or make it so expensive as to make it cost prohibitive. If the Project will preclude future rail access, that impact should be disclosed in the EIR/EIS Sections on transportation, economic impacts, and land use impacts. Mitigation should be included.

582-7

23. Additional Transportation Concerns Not discussed in Transportation Section. The City has additional concerns regarding how the Project will impact existing and future street improvements.
- a. While it is not likely that the City will seek to grade separate all crossing of the UPRR in the future, there are several key locations that may warrant separation as growth within the City continues. In particular, projections for growth in the number of freight trips on the UPRR corridor suggest that long-term plans may require the consideration of grade crossings. These grade separations may need to occur for safety or capacity concerns regardless of the obstacles that may currently exist. For those locations, the HST significantly increases the cost of any grade separation, and removes the potential for an overpass. The cost of constructing an underpass is typically much more expensive than constructing an overpass. These increased costs should be recognized and identified as an impact to the community and mitigation should be included. Potential grade crossings could include Olive Avenue, 9th Street, Yosemite Avenue, 4th Street and Cleveland Avenue.
 - b. Spacing of columns on elevated segments should not preclude future road widening to 9 lane sections on arterial roads and 7 lane sections on collectors. While the need for these sections will likely occur beyond the typical 20 plus year horizon year, it is clear the guideway will be in place well beyond 50 years. An April 2, 2011 memorandum to city indicated HSRA is developing engineering guidelines for roadway spacing. Have these been completed?
 - c. The existing interchange at Gateway & Cleveland will need to be rebuilt at some time in the future. At this time, a concept for reconstruction does not exist. The HST design must allow for this future modification. The City has requested on several occasions that the HSRA Project Team provide concepts to show how the interchange can be constructed following possible construction of the HST along the UPRR/SR 99 Alternative. The EIR/EIS does not show how this might be accomplished. An April 2, 2011 memorandum to city indicates HSRA acknowledgement of this concern.
 - d. This comment is related to new and/or modified grade crossings to be constructed with the BNSF Alternative. Due to the unique grade separation right-of-way requirements where the roadway is taken off the historical alignment or the right-of way is expanded due to the longer crossing of HST and BNSF, the HSRA should acquire the ultimate right-of-way for either the full width collector or arterial crossing at all locations per current City standards at time of acquisition. This action will also assist in offsetting additional costs for anticipated increased protection of the HST right-of-way from objects from above, the increased structure height and the longer span when widening bridges or underpasses.
 - e. The HST STR designation on the profiles indicates 12.5 feet but the typical sections (where found) seems to indicate this is 13.5 feet. Please clarify.

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- f. On the UPRR/SR 99 Alignment at Avenue 17, a generic clearance envelope has been assumed showing minimum road clearance of 16.5 feet and the HST STR designation of 12.5 feet in contact with the road clearance envelope. Due to planned and approved development in this area, a new or substantially expanded interchange will be required in the foreseeable future. The HST profile appears to assume that any future improvements proposed at this location will follow the original grades of an obsolete design. Please indicate how the HST profile will ensure adequate clearance for the interchange when it or the approach profiles are re-constructed to current design standards with a 50 MPH design speed.
- g. Ellis Overcrossing. The Ellis Overcrossing of SR 99 and the UPRR tracks is currently under construction. The drawings for this structure were previously provided to the HSR Authority designers but the road profile is not shown on the HST profile. Please confirm the HST does not impact the required 16.5 feet of clearance.
- h. The City of Madera is in the final stages of an infrastructure plan which also defines a plan line for future construction of Sharon Boulevard and associated utilities between Ellis Street and Avenue 17. The planned UPRR/SR 99 alignment would conflict with the plan line and existing utility easements. Either the HSR Authority will be required to modify impacted portions of this effort or reimburse the City for such work, at a cost of more than \$300,000, plus staff time. Please acknowledge this requirement and provide for the option of either HSR Authority or City staff to complete at City's discretion.
- i. Northerly Terminus of Sharon Boulevard. The configuration of the UPRR/SR 99 Alternative appears to limit the northerly extension of Sharon Boulevard from its existing terminus. The Project should disclose how the extension of Sharon will be provided to ensure continued access to a large highway commercial parcel, as well accommodate a connection to Ellis Street and the local street network in this area.
- j. The impact of the UPRR/SR 99 alignment on E Street is not clearly defined north of 4th Street. Is the full right-of-way for E street protected, or is a portion of the right of way absorbed by the HST corridor? Does the design anticipate that City improvements are located within the HST right of way, or underneath the HST structure? It is not clear whether the anticipated design of the corridor would require the acquisition and demolition of buildings on the east side of E street, or whether, if retained, the parking and pedestrian access to those buildings would be affected.
- k. Between Almond Avenue and Tozer Street, the HST appears to shift Knox Street sufficiently into an undeveloped commercial parcel to the degree the parcel would have no commercial value. What is the intent of this remainder parcel?
- l. Avenue 13 (Pecan Avenue) – A generic clearance envelope is shown which indicates construction of a new overcrossing which meets current sight distance standards would not be negatively impacted by the HST. Should the HST profile be lowered, please ensure adequate clearance for a new interchange with a 50 MPH design speed be accommodated.
- m. There have been proposals to reconstruct SR 99 to interstate standards. Has the HST considered the impacts of such a proposal and does it play a part in the design?

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n. An encroachment permit will be required for all construction within the public right-of-way. The permit will, at a minimum, address demolition, construction or re-construction of all public facilities, traffic control around HST construction operations, etc. As part of this permit, the City will review plans of all proposed improvements and provide inspection services throughout construction. Fees will be based on the engineer's estimate of the value of construction.

582-8

Noise

24. Section 3.4.2.3. In what way were city and county general plans considered? Was the Project reviewed for consistency with the noise policies in each general plan?

25. The discussion indicates that the Typical 24-hour Ldn Noise level for an HST at 220 mph would be approximately 94 dBA at 100 feet. The City's General Plan Noise Element states that the City will ensure that transportation projects include mitigation measures to maintain at least "tentatively compatible" noise levels. These levels are as follows:

- All Residential 60-70 dBA
- All Commercial 70-75 dBA
- Public Parks 65-70 dBA

It appears that even with the addition of sound walls on the elevated guideway, built to the maximum height allowed (14 feet), the noise impacts would not be reduced to levels required by the City's General Plan. Based on the information provided in the draft document the noise levels at the very most would be reduced by approximately 15 dBA. The result being noise levels that would exceed the City's requirements by about 5 to 10 dBA depending on use. It is not clear from the information provided whether a solid 14 feet sound wall would actually be feasible due to structural limitations. The document states that sound barriers should also be built as low as possible. It does not state what height of sound wall is currently being considered by the HSR Authority as appropriate for HST alignment for UPRR/SR99 alternative through the City of Madera.

26. Train Operation Noise and Vibration Methodology – Page 3.4-13. Study methodology is outlined in this section and assumptions are made relative to track type and speed. We have the following questions regarding this methodology:

- a. Will the construction and operating characteristics for the Project be limited to these assumptions?
- b. For instance, could slab track be substituted for ballast and tie track?
- c. Because design speed will be higher than 220 mph, could operating speeds eventually exceed the assumed velocity? If that is a possibility, have speeds in excess of 220 been analyzed?
- d. Will the multi-year testing period include speeds higher than 220 mph?
- e. Have maintenance activities been incorporated into the noise analysis?

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f. Because buildings within the footprint were not include in the impact assessment, is there any basis to understand what the impact of placing buildings under the elevated structure is? Elsewhere in the document, reference is made to the potential allowance for buildings under the elevated structure.

27. The draft document does not appear to include data on noise levels created by the HST system when it is located less than 100 feet from a noise receptor. There are commercial buildings on the east side of "E" Street that appear to be less than 100 feet from the HST rails on the UPRR/SR 99 Alternative. There also appears to be homes near both the Sharon linear park and the Knox linear park (referenced as Avenue 27 $\frac{1}{2}$ linear park in document) that will be located less than 100 feet from the HST rails.

28. The draft document does not provide any information regarding actual noise levels beneath the elevated guideway on the UPRR/SR 99 Alternative. This information should be provided, and the analysis should determine the level of noise pedestrians and bicyclists would be exposed to along existing pedestrian trails and linear parks within the UPRR/SR 99 affected area, and whether that noise level presents a safe and comfortable environment for those users. The analysis should make the same determinations for trails or pathways which may be developed underneath the new guideway structure.

29. The draft document does not speak to the impacts to pedestrians and other persons interacting in the outdoor environment in proximity to the HST alignment. As discussed above, it appears that even with addition of sound walls at the maximum height possible the HST would still generate noise level of approximately 80dBA at 100 feet. The City's General Plan indicates that noise levels above 75dBA are considered "Completely Incompatible" in residential areas or in areas utilized for open space such as existing or planned parks. The impacts to outdoor functions such as plazas and eating establishments have not been analyzed and should be included. The City of Madera General Plan heavily emphasizes the use of outdoor features which may not be feasible with HST noise. This should be included in the analysis.

30. The draft document does not address the noise impacts created by the acquisition of properties and demolition of existing buildings and structures that currently act as noise barriers between the City's downtown core and the existing noise generated by UPRR freight trains. While the noise generated by UPRR trains is existing, the removal of the existing buffer will create additional exposure to UPRR freight noise, including increased noise from projected increases in freight traffic on this line. The Project will therefore increase the noise impacts from the existing UPRR corridor affecting both commercial and residential uses east of the rail corridor. This impact should be included in the analysis and appropriate mitigation measures should be identified. The placement of sound walls at ground level is unacceptable, as it would create an additional physical division in the community and present unavoidable visual impacts. Mitigation should occur through design treatments and use of appropriate building materials at the properties where the additional noise exposure will create significant impacts. The affected parcels and buildings should be identified individually, consistent with standard practices for project-level EIRs.

31. Figure 3.4-1 indicates the noise levels for HST Typical 24-hour Ldn Noise levels. What does not seem to be indicated is the SEL (primary descriptor of a single noise event). This should also be made available to accurately describe the actual noise impact per event or a clarification on where this data is provided in the draft document.

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32. The noise and vibration discussion in many cases defers consideration and determination of actual mitigation measures to be applied to the Project in the City of Madera to a future date. This is prohibited by CEQA.

It is not possible to tell from the analysis precisely where sound walls would be required, and at what height those walls would need to be constructed to mitigate impacts to less than significant levels. As described in our comments above, the analysis describes the potential that sound walls atop the elevated guideway may not be feasible in some cases. The discussion further indicates that the City may have to choose between mitigating some uncertain impact, and ignoring that impact in order to minimize visual impacts. The proposed mitigation measure suggests that these issues would be worked out later. This approach simply does not allow the City to gain a reasonable understanding of what actual noise impacts are being created and how they will be mitigated.

33. Figure 3.4-16. The illustration of potential mitigation locations in the Madera Project vicinity appears to show the need for sound walls through the core of Madera. No sound walls are shown south of the core, where large residential projects have already been approved on both sides of Freeway 99, as far south as Avenue 12½. It is not clear whether the noise analysis acknowledged the presence of these approved projects.

In general, the HSR project should identify the need for mitigation wherever planned land uses would be impacted by the Project. Because it is infeasible for any future development project to add sound walls to the elevated viaduct at any point in the future, any potential development area that would be negatively impacted should be included in the area receiving noise mitigation. The alternative is to identify where noise impacts would make certain planned uses impractical, which would trigger amendments to the land use plan and/or acquisition of the affected properties, depending on the severity of the impact.

582-9

Utilities and Energy

34. City of Madera References. Most or all of the references to city of Madera policies and infrastructure systems appear to utilize the 1992 General Plan instead of the 2009 General Plan. These references, including the content in each relevant section, should be modified to reflect the current general plan. The discussion of the Madera General Plan in Table 3.6-1 does not reflect the range of goals and policies from the 2009 General Plan

35. Table 3-6.3. It is unclear whether the discussion of solid waste intends to refer to solid waste disposal service, or to the operation of a landfill. To the extent it intends to describe service, the City of Madera provides curb-side solid waste and recycling service through a contract with Allied Waste.

36. Page 3.6-30 - Conflicts with Existing Utilities – Overhead Transmission Lines. First paragraph suggests states that “where overhead transmission lines cross the HST alignment, the Authority and the utility owner may determine that it is best to place the line underground.” The City of Madera has in place a policy which requires the undergrounding of all new utilities. The HSR construction protocol should conform with the City policies.

582-13

37. Page 3.6-30 - Conflicts with Existing Utilities – Storm Water Basin. The second paragraph in this section describes potential conflicts with storm water basins. The discussion notes that conflicts would occur with existing basins. Several existing basins in Madera would be affected by the UPRR/SR 99 alternative. Has the analysis been done to determine whether the proposed remedy to these conflicts is actually implementable?

38. Additional Storm Water Conflicts. Additional conflicts will occur between the UPRR/SR 99 Alternative and two critically important basins that have been approved but not yet constructed:

a. Town Center Basin. A basin has been approved on property at the northeast corner of Avenue 17 and SR 99. The basin will be developed in conjunction with an approved shopping center on a 100 acre commercially designated parcel. The basin, in addition to accommodating storm water runoff from the shopping center and street, is integral to an engineered system that will remove the shopping center from a designated flood zone. The proposed UPRR/SR 99 Alignment will bisect the basin. The impact of the HSR corridor on the basin must be evaluated at the project level, and the resulting impacts on the remainder of the project site disclosed. The effect of the Project on this basin must be described, and mitigation must be identified consistent with the severity of the impact that is being created.

b. Southeast Madera Development Basin. A basin has been approved on the property south of Avenue 13 on the east side of SR 99. The basin has been approved as part of the Southeast Madera Development Specific Plan. In addition to accommodating runoff from the Project, the basin has been designed as part of an engineered system that will remove the development area from a designated flood zone. The proposed UPRR/SR 99 Alignment will bisect the basin. The impact of the HSR corridor on the basin must be evaluated at the project level, and the resulting impacts on the remainder of the project site disclosed. The effect of the Project on this basin must be described, and mitigation must be identified consistent with the severity of the impact that is being created.

39. Page 3.6-37. Reduced Access to Existing Utilities in the HST Right of way. While the analysis describes the potential for reduced access to utilities, the analysis does not appear to address the increased cost burden to local agencies of having to work within the HST right-of-way. All local agencies are familiar with the increased time and costs associated with working within state and railroad rights-of-way. Increased engineering costs, time delays, heightened and elongated environmental review requirements, special training requirements for contractors and employees, etc. are the reality. The elevated tracks associated with the UPRR/SR 99 Alternative may also preclude the use of heavy equipment, including cranes, in the vicinity of the HST. These increased costs are not factored into existing utility rate structures and capital improvement plans, and may limit local agencies’ ability to continue to perform its current level of service. This impact should be analyzed and defined mitigation measures should be developed.

582-14

Hydrology

40. Page 3.6-40. Stormwater Generation. Where the Project proposes to convey stormwater to a facility operated by the City of Madera, it will responsible to pay its fair share towards the development of such facility in the form of the City of Madera stormwater development impact fee.

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582-15

41. City of Madera References. Most or all of the references to City of Madera policies and infrastructure systems appear to utilize the 1992 General Plan instead of the 2009 General Plan. These references, including the content in each relevant section, should be modified to reflect the current general plan.

582-16

Safety and Security

42. Introduction. The introductory sentence indicates that the safe operation of the HST is of highest priority. By definition, is the placement of the HST facilities in rural, unpopulated areas where available, versus urban populated areas, the safest alternative?

43. Page 3.11-19. High Risk Facilities and Fall Hazards. The discussion regarding high risk facilities suggests there is significant overlap between hazards on each of the 3 potential alignments. This is confusing, as with the UPRR/SR 99 and BNSF Alternatives, the same hazards are not likely to affect both routes. Please clarify, which hazards apply to which routes?

44. Fire, Rescue & Emergency Services. The City of Madera does not have a ladder truck sufficient to provide access or emergency services to the elevated guideway which would be constructed with the UPRR/SR 99 Alternative. In the event of accident or other disruption to service, the City of Madera may not have the potential to act as first responder.

45. Comparison of Alignment Alternatives. The analysis of both construction and operational impacts to public safety fails to identify the comparative exposure to public safety hazards associated with each of the potential alignments.

The discussion summarily describes that systems are in place to prevent hazards from occurring and thus the potential impacts are less than significant. However, accidents or intentional acts of violence are unpredictable by nature and certainly create exposure to hazards that do not presently exist. Accidents on traditional freight lines are relatively common in the United States, and an accident on a high speed line in China in the recent past suggests that systems put in place to prevent accidents are subject to failure. The Project features described in the EIR/EIS describe facilities where accident damage will be repaired. Because it is not possible to control when or how an accident or intentional act of violence might take place, it is not appropriate to simply label the risk as insignificant.

582-9

Socioeconomics, Communities and Environmental Justice

46. Section 3.12.3.5. Environmental Justice Outreach and Interest Groups. The description of public outreach to communities of interest in Madera demonstrates that insufficient efforts were made to invite and encourage the informed participation of minority and low income populations. It appears that the only specific outreach directed to these communities in Madera was a single event where information was handed out to 65 people. It does not appear that efforts were made to work through local organizations that frequently work with communities of interest, nor were efforts made to invite participation at locations where low income and minority populations congregate. Relying on mass-marketing and attendance at public meetings to gain feedback from members of the public who frequently feel disenfranchised is clearly inadequate. Review of public information materials provided during public events also reveals that incomplete and inaccurate information was provided relative to the design of the UPRR/SR 99 Alternative and its potential impacts to the members of the community who would be impacted the most.

582-9

47. Page 3.12-8. First paragraph. The discussion indicates that because many Fairmead residents do not receive the paper, flyers were distributed to advertise the meeting. Was it determined that the minority populations in Madera receive the paper?

48. Page 3.12-9 & 10. Regional Population Characteristics. The discussion of regional population characteristics appears to utilize a regional figure of 3.2 persons per household. That number varies considerably by community, as Madera's persons per household is nearly 3.6.

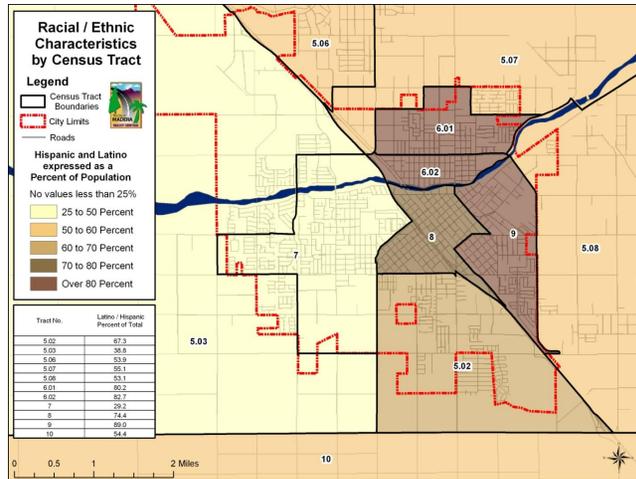
49. Page 3.12-11. BNSF Alternative. In the second paragraph, the discussion notes that the BNSF Alternative study area contained a higher percentage of minorities (67%), including a higher percentage of Hispanic population, than the cities and counties in the region. How can this be the case, when the discussion of the UPRR/SR 99 Alternative describes that the City of Madera has a minority population above 69.7%? The same concerns exist relative to the statements in the second paragraph of the Hybrid route discussion on page 3.12-12.

50. Page 3.12-31. Fourth complete paragraph. The discussion indicates that disproportionately high and adverse effects would occur for communities of concern in several communities, but not in Madera. This conclusion, and the related analysis and discussion in Chapter 3.12, does not seem to consider readily available socioeconomic data and how it relates to the Project Alternatives.

The EIR/EIS includes information which demonstrates that Madera has the highest population of Hispanic residents within the Merced to Fresno communities. That was true based on previously available information, and the 2010 Census now shows the City of Madera with more than 76% of its population as being Hispanic. Analysis completed in conjunction with the City of Madera's 2010-2015 Consolidated Plan determined that the Hispanic population was mostly concentrated within Madera's core, including Census Tracts 8, 9, 6.01 and 6.02 (see graphic below). Within these Tracts, Hispanic population ranges from 74 to 89 percent.

As illustrated in the graphic on the following page, outside these core Tracts, the Hispanic population is still high east of Freeway 99, but much lower than in the core areas. Furthermore, because these outlying Census Tracts are outside the urban area, the number of actual persons living in them is much lower. The City of Madera 2010-2015 Consolidated Plan also describes that, in addition to the high minority populations, these tracts have the lowest household incomes.

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Within the Madera City limits, the UPRR/SR 99 Alternative lies within the Tracts with the highest minority populations and lowest household incomes. Selection of the UPRR/SR 99 Alternative would disproportionately burden Madera's communities of concern. Impacts that would occur disproportionately include, but are not limited to, the following:

- Construction impacts of all types
- Street shifts and reconfigurations
- Noise
- Visual Changes, glare, and shadow
- Displacements of businesses providing walkable shopping and service commercial opportunities
- Loss of walkable employment opportunities
- Degradation of existing neighborhoods
- Degradation of pedestrian environment due to noise increases in a community where pedestrian activity is otherwise very high
- Reductions to property values

Any suggestion that these impacts are less than significant due to the presence of the existing transportation facilities (such as on Page 3.12-39) is inaccurate and fails to acknowledge the new and unique impacts created by the proposed HST.

In addition to the direct impacts that would be felt disproportionately by Madera's communities of concern, it is important to identify the social effects of the Project, which require an understanding of the underlying social context. As described and illustrated above, the communities of concern are concentrated on the east side of the City. Essentially, an "other side of the tracks" was formed over time. The City has consciously been countering this social division in a variety of ways. Making investments with public funds to stimulate new development, and encouraging high quality private development have been obvious means of bridging this gap. The City is actively working to create undercrossings in its pedestrian/bicyclist trail system that facilitate non-motorized movement across this gap. In its move from at-large elections of council members to election by district, the City has also consciously established district boundaries which bridge the east-west divide and bring neighborhoods together. The first elections by district will occur in 2012.

The design of the UPRR/SR 99 alternative would construct a 50' to 75' tall concrete and steel "picket fence" separating the east from the west. Although this "fence" would be permeable, it would nevertheless create a real, physical division in the community. The discussion in the Draft EIR/EIS suggests that because the access is maintained under the barrier, it is not significant. However, no more clear division could exist than a 50' to 75' foot tall delineation of east vs. west. The UPRR/SR 99 Alternative would further serve to separate minority neighborhoods from non-minority neighborhoods, as well as from the commercial opportunities and government services which are primarily concentrated west of the UPRR/SR Alternative. In light of the disproportionate burden that would be placed on communities of concern through direct and indirect impacts of the UPRR/SR 99 Alternative, it is difficult to understand how the analysis would not find that such impacts are severe.

51. Page 3.12-38. Permanent Disruption or Severance of Community Interactions or Division of Established Communities. The sentence beginning at the bottom of the referenced page states that "The proposed north-south HST alignments would not create any new or additional barriers or disruptions that would negatively affect interactions or the quality of life in established communities and neighborhoods." This broadly stated conclusion is not consistent with the features of the UPRR/SR 99 Alternative. It is clear that this alignment would create a new and additional barriers and disruptions that would negatively affect interactions and the quality of life in the community, and in the neighborhoods adjacent to that corridor. Such disruptions would occur, for instance, in the form of noise, aesthetics, disruption to parks and trails, street shifts, strengthening community division by creating a new physical separation between east and west Madera, etc.

52. Table 3.12-11. Page 3.12-40. The discussion of visual and aesthetics in this table states that visual changes would occur within an existing transportation corridor and would "be compatible with the visual elements within the corridor." It is not clear how the 50' to 75' tall HST facility called for within the UPRR/SR 99 Alternative is visually compatible with any existing feature in Madera, including any at-grade transportation feature in the community.

53. Page 3.12-49. Operations-Related Tax Revenues. The discussion projected sales tax revenues suggests that Madera will benefit from Project related purchases during operations. No basis for this assumption is provided, and it is uncertain how Madera would realize the tax revenues described as Madera is not proposed to house any operational features which would trigger regular expenditures. Please explain.

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54. Page 3.12-52. Second Paragraph. The discussion in this paragraph suggests that property values adjacent to the HST guideway may be lowered, although where the alternatives are located adjacent to existing rail corridors these impacts have already occurred. Is this an assumption, or has analysis been conducted to support the determination that property values will not be reduced due to the construction of the elevated guideway? Because construction of the HST on an elevated guideway includes features that are dissimilar to any within the existing corridor, an analysis of impacts to property taxes must necessarily factor in the affects of these new features, including the new and unique impacts they would create.
55. Page 3.12-62. SO MM #7. This mitigation measure fails to identify specific actions or features that would mitigate the impacts described in the document to a less-than-significant level. The Project does not appear to be bound to do anything. Further, the mitigation measure appears to be based on the hope, rather than any supporting analysis, that physical deterioration can be mitigated by dressing up the structure.
56. Page 3.12-63. Economic Impacts. The first sentence describes beneficial impacts on tax revenues and employment in the region. The discussion does not disclose that the project could have potentially negative impacts on tax revenues on individual cities, or that those impacts could limit the ability of those cities to provide services to their residents.
57. General Approach to Analyzing Economic Impacts of the UPRR/SR 99 Alignment. It appears as though only general economic impacts are discussed in the document. It does not appear as though specific economic impacts that would occur in Madera as the result of the UPRR/SR 99 Alignment have been analyzed. The following impacts should be discussed and mitigation measures should be identified:
- a. Industrial Jobs. Development of the UPRR/SR 99 alignment would result in the displacement of several industrial operations, particularly along the north and south edges of the City. These are facilities that have chosen to locate along the Union Pacific corridor to take advantage of rail and freeway access and the underlying industrial land use designations. While the High Speed Rail project would address eligible relocation costs for these businesses, the Project cannot ensure that the industrial operations would relocate within the community, or even that suitable sites would be available in the community to meet their needs. The potential result is the loss of key industrial jobs in the community, estimated at as many as 500 jobs.
 - b. Affordable Commercial Properties. Within the City limits, development of the A-2 alignment would displace a large number of small businesses. These businesses occupy the most affordable commercial business space in the City, and it is unlikely that comparable space is available. Small businesses in this area serve a vital need in the community: providing services, creating employment opportunities and increasing the tax base. Removal of the affordable commercial space from the City's inventory would have negative financial and social affects. While the suggestion is made that properties are available to relocate to, no specific analysis appears to have been conducted to verify where comparable properties exist and what the cost of re-establishing businesses is. If properties are available, are they located in areas with existing sewer, water and street improvements? Are these properties walkable from the neighborhoods that utilize their services?

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- This impact may be partially mitigated by the identification of specific opportunities for replacement sites where local business may be reestablished, and by funding the development of a business park on those sites which is fully serviced by wet and dry utilities and all required city street frontage improvements.
- c. Highway Properties. The UPRR/SR 99 alignment would result in reduced freeway visibility for several large commercial properties (40-100 acres, each) along Freeway 99. Where these properties are ideally suited for large-scale commercial development as the result of the strong visibility created by long freeway frontages, the reduction in freeway visibility would lower the development potential of these parcels. At least one of these properties has an approved site plan and development agreement allowing a 795,000 square foot shopping center. The property owner/shopping center developer has indicated that the shopping center will not be developed if UPRR/SR 99 alignment is selected. The HSR Authority is in possession of a written letter to that effect. Potential damage to that project site includes reduced freeway visibility, loss of developable area, loss of freeway pylon signage potential, and disruption to a planned water well site and retention basin flood control facility.
- A second site located to the south of the first site described above has been planned and zoned, with a certified EIR, for a 450,000 square foot retail center. A third large parcel, located south of the first two parcels described above, is also planned and zoned for commercial use. Both of these properties would be damaged by a reduced footprint and reduced freeway visibility, at a minimum.
- Hundreds of thousands of dollars and years of work on planning, engineering, and environmental review have been invested in these development projects. In addition to the land acquisition process for the HST Project, the City and the property must be separately compensated to account for the work completed which is no longer of value, and for required changes in land use, circulation, infrastructure, and related environmental analysis would be required to address the UPRR alignment.
- The City's financial future rests with the sales and property taxes that will be generated by these commercial projects. Sales and property taxes are critical components in the City's overall discretionary revenue. The projects described above represent millions of dollars in annual taxes which will be permanently lost to the City. Properties of this size with freeway frontage are not replaceable. Limiting the potential of these properties to generate sales and property taxes will hinder the City's ability to provide services to its population as the City grows.
- To the extent that commercial use of the highway commercial properties along the UPRR/SR 99 Alternative is otherwise feasible, the loss of freeway pylon signage potential may be at least partially mitigated by granting to the City of Madera an allowance for a signage corridor between the HST facilities and the UPRR right of way, where a remnant strip of property appears to remain. This signage corridor should be included as a mitigation measure for the Project.
- d. Physical Blight in Downtown Madera. A blight analysis should be prepared for downtown Madera. The discussion in various sections of the EIR/EIS acknowledges that existing commercial businesses will be closed and properties removed from the commercial and industrial inventory. The potential for lowered property investment and degradation of the physical environment is also described. With these impacts, it is reasonably foreseeable that the

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currently successful pedestrian-based business environment in downtown Madera will be harmed, and that remaining business will lack sufficient customer traffic to be maintained. An analysis of the economic and physical impacts of blight should be completed.

582-10

Land Use

58. Page 3.13-19. Indirect Land Use Effects and Potential for Increased Density. The discussion does not address the potential for the UPRR/SR 99 Alignment to discourage infill and decrease density in the urban core of Madera as discussed in comment number 15 of this letter.

59. Page 3.13-24. Surrounding Land Uses. Discussion in the first paragraph suggests that "Although the project would convert land to transportation-related uses (less than 0.05%), it would not adversely affect surrounding land uses." The discussion in the second paragraph states that residential patterns would not be affected because residential areas are located in close proximity to an existing transportation corridor. These statements do not appear to reflect the proposal with the UPRR/SR 99 alternative to establish an elevated viaduct more than 50 feet in the air through a urban area. Examples of land use impacts include, but are not limited to:

- The loss of freeway visibility will reduce or eliminate the viability for new highway commercial development on properties designated for such use.
- The acquisition and demolition of property along the existing UPRR corridor will expose additional property to noise impacts, reducing the potential for development and redevelopment of those properties.
- The elevated viaduct will be facially incompatible with residential development planned and proposed underneath and adjacent to the corridor, as few residential developers or future home buyers are going to invest in developing and buying residential properties essentially underneath, or in the shadow of, the elevated tracks.

60. Page 3.13-24. Surrounding Land Uses. With regard to the BNSF Alternative, a designated industrial area on the west side of the existing BNSF tracks may not be feasible if rail access to this area is precluded.

61. Page 3.13-25. Consistency with Land Use Plans. While the discussion describes the Valley Blueprint, that document is not an adopted land use plan. The EIR/EIS does not appear to describe the potential inconsistencies between the Project and locally adopted land use plans.

62. Land Use. Missing Mitigation Measures. The City of Madera does not agree that there are no significant land use affects to the Madera community. The Project would substantially impact planned and approved land uses, and diminish the potential for development in proximity to the HST corridor, including the downtown core and commercial and residential properties outside the core. The following mitigation measures should be added relative to the impacts of the UPRR/SR 99 alignment:

- a. The Project will provide sufficient funding to the City of Madera to amend its recently adopted general plan to allow it to consider alternative land uses in the vicinity of UPRR/SR 99 Alignment. The estimated cost of this general plan amendment, with a required environmental document, is \$500,000.

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- b. The Project will provide sufficient funding to the City of Madera to prepare a comprehensive downtown plan which creates a program to address the negative influences of the UPRR/SR 99 HST corridor. The estimated cost of this downtown plan, with a required environmental document, is \$500,000.
- c. The Project will establish a development fund to be managed by the City of Madera to incentivize the development and redevelopment of properties along the HST corridor at a scale and design compatible with the elevated viaduct. The fund will take the place of the Authority's HST Station investment in Fresno and Merced, which is expected to stimulate overwhelmingly positive development and redevelopment outcomes in those communities. While Madera understands that the placement of stations in every community may not be feasible, it appears reasonable for the HSR project to make an alternative investment in this community to help overcome the impacts the Project creates. The fund should be established at a minimum of \$10,000,000, which is a tiny percentage of what is to be invested in communities with HST Stations, and equivalent to the cost of just a few hundred feet of the elevated track that would be constructed through the middle of Madera.
- d. The Project will provide sufficient funding to the City of Madera to prepare design and development guidelines for properties along the HST corridor. The estimated cost of these guidelines is \$200,000.

582-11

Parks, Recreation, and Open Space

63. General Comments. As outlined in Section 3.15 and Chapter 4 of the Draft EIR/EIS, the UPRR/SR 99 Alternative has significant impacts to parks, recreation, and open space amenities in the City of Madera both during and after construction. Some general concerns are listed below:

- a. The City of Madera is currently parkland deficient according to national, state, and local definitions. Any additional loss of land or land value must be mitigated at a fair price.
- b. The Draft EIR/EIS does not adequately demonstrate plans for permanent public easements beneath the rail structure that will provide for future construction of recreation features. This is essential as the UPRR/SR 99 Alternative bisects the community and has the potential to limit connectivity and access to recreation amenities, general wellness and connectedness as well as commerce and other community attractions.
- c. The Draft EIR/EIS lacks substantive discussion regarding the impact of the HST Project relative to wildlife habitat and migration corridors in proximity to existing and future trails. One feature planned for these trails, which follow the Fresno River and Cottonwood Creek corridors, includes taking advantage of the unique habitats provided within these corridors through the development of observation decks and interpretative signage.
- d. There are only vague references to measures that will mitigate the visual impact on existing facilities and amenities. What public art, trees, vegetation, or other specific features will be installed to mitigate the impacts of the proposed structure on the existing parks system?
- e. The addition of a significant structure has long-range maintenance implications for Parks and Community Services Staff. Considerable resources are used to manage graffiti, vandalism, trash

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582-11

pick-up, and other maintenance functions at our existing facilities. The City has opted to build only what it can afford to maintain. What mitigation measures will be used to curb vandalism? Will graffiti resistant surfaces be used? What resources will be made available to maintain HSR structures located in or near parks and trails? What agency will be responsible for keeping the right of way and structure free of debris and graffiti post construction?

- f. The discussion regarding noise impact mitigation to park and trail users is vague and fails to identify specific mitigation measures. The document suggests, "noise levels would increase but would be mitigated by implementation of noise abatement features." The noise impacts would occur at riverside Park, the Sharon Avenue Linear Park, Rotary Park, Parts of the Vern McCullough River Trail, and Linear Park along County Road 27 ½. Without further definitive explanation of how noise abatement would occur, it is difficult to comment on its efficacy and the potential for secondary impacts.
 - g. New structures have the potential to provide an attractive nuisance for homeless encampments; what mitigation measures will be used to discourage this?
 - h. The City of Madera is actively pursuing funding to augment, expand and enhance our existing trail system. The trail is an important recreation and transportation amenity and a central element in the City's landscape. It is a means to connect neighborhoods, and join people to commerce, education and significant recreation features. The City would like to be on record that our future capital projects along the trail should be considered.
64. Page 3.15-10. Affected Environment. The document states "there are no planned, approved, or reasonably foreseeable parks, recreation, and/or open space resources within the study area." This is untrue as the City of Madera's Parks and Community Services Department has been awarded more than \$500,000 in funding from Congestion Mitigation and Air Quality (CMAQ), Bicycle Transportation Account (BTA), and Local Transportation Fund (LTF) to construct a trail under-crossing that takes the Vern McCullough River Trail underneath UPRR and Gateway Avenue from very near the intersection of Riverside and the Sharon Avenue Linear Parks and terminates at the trail-head at Rotary Park. The UPRR/SR 99 Alternative, both during or post construction, could jeopardize this project, our project timelines and subsequently our funding and/or the ultimate build-out of an essential community feature. This potential impact must be analyzed and mitigated.
65. Page 3.15-16. Construction Period Impacts. A significant (CEQA) and substantial (NEPA) impact of construction of the UPRR/SR 99 Alternative is the closure of the Sharon Avenue Linear Park. The pathway in this Park is heavily used for both recreation and transportation purposes. More specifically, this amenity is regularly used as transportation to commerce and recreation amenities on the west side of UPRR. Madera currently has the second highest rate of juvenile (age 15 and under) pedestrian/vehicle accidents (per capita) in the state of California; City staff is concerned that the closure of this feature without providing safe and accessible alternatives for pedestrians could have devastating impacts.
66. Page 3.15-16. Construction Period Impacts. The closure of a section of Riverside Park during construction would impact trail use. As stated above, many residents rely on trail and linear parks for transportation to important commerce, schools and recreation amenities. By what means, precisely, are residents to safely navigate from east of the construction site to the west?

582-11

67. Page 3.15-35. Change in Park Character. The Sharon Avenue Linear Park was created to connect trail users from the eastern segment of the Vern McCullough River Trail to the western segment. Equally important, this feature was constructed to combat the neighborhood blight caused by unsightly characteristics and safety issues of the UPRR tracks in a residential area. What safety and character enhancing mitigations will be used to alleviate the City's beautification investment?
68. Page 3.15-36. Change in Park Character. The County Road 27½ (Knox) linear park must be reconstructed in such a manner as to maintain viability of planned trail connectivity to State Center Community College, Madera Campus, and planned residential development both north and south of the current feature. This section of trail/parkland was strategically located to safely circulate pedestrians and cyclists throughout existing and future developments. Page 4-5 of the document states "properties of fair market value and "reasonably" equivalent usefulness and location" will be offered in exchange for acreage taken by the project. What measures will be taken to ensure that this parkland is moved/changed in such a way as to maintain the viability of its intended purpose? Providing replacement land within the necessary connectivity is not sufficient mitigation.
69. Page 3.15-36. Change in Park Character. The document states that the UPRR/SR 99 Alignment would not "substantially reduce the value" of Rotary Park. How is loss of value determined and how will the City be compensated for lost revenues, reduced park use, or other potential impacts?
70. Page 4-23. Table 4-2. This table conflicts with later text on page 4-34 regarding park amenities at Rotary Park. Let the record show that Rotary Park amenities include: a skate park, dog park, open green space, passive recreation area, volleyball courts, restroom facilities, picnic shelters, children's play structure, water play feature, horseshoe pavilion, and an exterior walking path that connects to the western segment of the Vern McCullough River Trail.
71. Page 4-23. Table 4-2. The table does not capture all of the amenities located at Riverside Park. In addition to what is listed, please add landscaped area and large turf area used for passive recreation.
72. Page 4-34. UPRR Alternative – Use Assessment. The draft EIR/EIS defines impacts on Riverside Park as de minimis. The City of Madera does not concur with this determination. The proposed construction and operation of the Project will adversely affect the activities, features, and attributes of the property. The Project will impede and/or degrade use of the park, limit access to it, and potentially limit future capital projects associated with it. The park and the aforementioned pending trail under-crossing construction project is critical to connect eastern and western Madera for cyclists and pedestrians.
73. Page 4-34. UPRR Alternative – Use Assessment. The features listed at Rotary Park should match those in comment number 70 above.

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Aesthetics and Visual Resources

74. Section 3.16.1, Paragraph 3. The discussion indicates that "...HST would have low potential to result in visual impacts on aesthetic and visual resources in the Central Valley..." It does not seem accurate to indicate that the design of the UPRR/SR 99 alternative, including an approximately 50' – 75' tall elevated structure, bisecting the entire core of the City of Madera, has a low potential for

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visual impact on the existing viewsapes throughout the City. That structure will become the predominate visual feature of the City, visible from every part of the City. The presence of the existing transportation corridor has no relationship to the visual effect of the UPRR/SR 99 Alternative.

75. Page 3.16.2. Section 3.16.2.3. Paragraph 1. "Consideration of local community design guidelines...subsequent phase of analysis for project-specific environmental review...". This would seem to be deferring discussion of applicable mitigation measures to a future date. How is the City to make an informed comment on mitigation measures at this time if specific information is not available now? "Consideration" is certainly not the same as "implementation" or "adherence to where feasible".

76. Table 3.16-1. Page 3.16-3. The discussion of the City of Madera General Plan describes a single goal in City's General Plan related to historic character, apparently ignoring an entire chapter in the General Plan dedicated to a broad range of community design issues. The following additional goals and policies, at a minimum, should be identified and evaluated in the EIR/EIS:

- Goal 1. High quality urban design throughout Madera.
- Goal 2. Retain the sense of community in Madera and enhance Madera's small city character.
- Goal 3. Public art and entryway treatments.
- Goal 4. Attractive streetscapes in all areas of Madera.
- Goal 5. Walkable community.
- Goal 6. Design neighborhoods to foster interaction among residents and be responsive to human scale.
- Goal 7. Preserve and enhance the character of existing residential neighborhoods.
- Goal 8. A downtown that is the center of the city, linking all parts of the community together with a vibrant, rich mix of uses that attracts residents, workers, and visitors.
- Goal 9. Revitalize the downtown by strengthening its urban design character.
- Goal 10. Design commercial development to enhance the pedestrian environment.
- Policy 2. All new development shall adhere to the basic principles of high-quality urban design, architecture and landscape architecture including, but not limited to, human-scaled design, pedestrian orientation, interconnectivity of street layout, siting buildings to hold corners, entryways, gathering points and landmarks.
- Policy 3. Madera will strive to continuously improve the architectural quality of public and private projects. Developers proposing to rely on the use of "standard designs" or "corporate architecture" will be required to improve their designs as necessary to meet the City's overall standards for quality.
- Policy 11. The places where major roadways enter the City should provide a clear sense of arrival and set the tone for the overall design quality in Madera. The entry points shall create a sense of arrival to Madera through the use of landscaping, trees, and/or architectural elements.
- Policy 12. Public art (statues, sculpture, fountains, and monuments) and other design features should be used to enliven the public realm.

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- Policy 13. Public art shall be a required component of all significant public projects, and in private development projects where public funding is applied, including in the Downtown District.
- Policy 18. Where soundwalls are used, they shall be set back from the street, include design features that enhance visual interest, and be landscaped in order to mitigate their impact on urban character and the pedestrian environment.

77. Pg 3.16.9, Section 3.16.4.1. No mention is made of impacts to views of the Sierras. No mention of Fresno River Environ is included.

78. Pg 3.16.22, 3.16.4.2. Paragraph 2. Hybrid discussion indicates that visual quality as HST approaches the City of Fresno would be moderate to moderate high because of features such as Roeding Park and Historical neighborhoods. If this applies to Fresno, is there a reason why this would not apply to City of Madera (i.e. Courthouse Park, Rotary Park, Fresno River Trail, Historic neighborhoods on D and C, generally between Central and Yosemite Ave.)

79. Page 3.16.24, Section 3.16.5.1. Paragraph 1 & bullets. The overview discussion states that the UPRR/SR99 Alternative would have the least impact on aesthetics and visual resources. The bullets indicate that Hybrid has the least impacts to landscape units as does Table 3.16-3. This seems to present an inconsistency?

80. Table 3.16-2. Characteristics of Typical HST Components. In the first row of this table, the characteristic of elevated guideways are discussed. The discussion notes that the final design process would include coordination with local jurisdictions as part of a collaborative process related to HST stations. We have the following questions regarding this discussion:

- a. Is this intended to exclude communities without HST stations?
- b. What do "coordination" and "collaboration" mean in this regard?
- c. Is there a clear, definitive description of what will actually be available to be applied to the aerial structure and support pillars, as we do not see such a description? There are examples and details available of what could potentially be applied to the system to mitigate visual impacts created by the structure – but no specific commitment (see comment below under Madera Landscape Unit).
- d. The second row of this table discusses retained fill guideways, and notes that walls of retained fill can also be targets for graffiti. The same concern would exist for the columns that support the elevated guideway.

81. Page 3.16-29. Project Impacts. The discussion indicates that Project impacts were evaluated using a variety of tools, including reviewing photo simulations. The photo simulations of the UPRR/SR 99 Alternative through Madera provided in the document are inaccurate and misleading in that they appear to show a typical guideway at a height much lower than the actual guideway called for in the City of Madera. To the extent those simulations were utilized to evaluate impacts, the analysis is deeply flawed. Regardless, readers of the EIR/EIS relying on those simulations as being representative of the proposed project cannot have had an opportunity to understand the Project as it relates to the local context.

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82. Page 3.16-29, Section 3.16.5.3. Paragraph 3 - Common Aesthetics and Visual Quality Impacts. The discussion includes a statement that an increase in height created by the addition of sound barrier wall atop guideway walls would not cause a blocking of views that were not already created by the guideway structure. It would seem that if the combined deck height/thickness and guideway wall height structure is approximately 15 feet, then the addition of a sound wall of up to 14 feet would be almost doubling the amount of structure visible, which in turn would double the area of view blocked by the structure?
83. Page 3.16.37, Section 3.16.5.3 Paragraph 2 - Madera Landscape Unit. The discussion indicates that the presence of the elevated HST guideway would not substantially alter the visual character of the landscape around the Rotary Park. It also is stated that residences in this area are oriented away from the elevated guideway so it would not be a dominant element in the view of residents. The City disagrees with this assessment. While it may be accurate to say that the area is an existing transportation corridor, the addition of an approximately 50' tall structure and additional height created by sound walls and OCS would substantially alter the existing visual character around the park and neighboring residences. In addition, current views of the Sierras available from the park will be significantly impacted. The residences located to the east of HST alignment will have mostly unobstructed views of the HST guideway from either windows located at front of homes and front yards or windows located at rear of homes and rear yards. The City believes that this would in fact be a dominant element for these residences – unless they do not look out their windows or go out in their yards. Therefore, for KVP 10 the impact should be considered substantial under NEPA and significant under CEQA. Also, consistent with analysis of KVP 11 and KVP 12, the Visual Quality Rating – With Project should be rated “Low”.
84. Page 3.16.57, Section 3.16.6.2. Project Mitigation Measures VQ-MM#3. While this measure states that architectural features and decorative texture treatments should be included on large-scale concrete surfaces and portions of elevated the guideway, there is no guarantee or specific assurance that all surfaces (i.e. deck structure, sound walls, pillar structures) visible from public and private views in the City will actually be finished in a manner that is acceptable to the City and community as a whole.
85. Page 3.16.57, Section 3.16.6.2 Project Mitigation Measures VQ-MM#3a Indicates that landscaping design issues will be addressed during final design. “Coordination” and “consideration” regarding local jurisdictions are to occur at that time. This appears to be deferring the development of feasible mitigation measures to a future date, particularly without the establishment of performance measures and a commitment to actually implement any mitigating design features.
86. Page 3.16.58, Section 3.16.6.2. Project Mitigation Measures VQ-MM#3b. While the planting of trees at edges of rights-of-way adjacent to residential areas may reduce the visual impacts in some areas of the City, this would not appear to be adequate in other areas. For example, the Orchard Point residential subdivision is located adjacent to HST at the Knox Road linear park (referenced as Ave 27½ linear park in document), ranging from 50 to 200 feet from the proposed alignment. All of the existing homes backing to the HST are two-story homes. It seems very unlikely that trees planted along right-of-way would adequately screen views of HST structure that would be approximately fifty feet in height.

582-12

87. General Concerns. While the Draft EIR/EIS does discuss potential impacts to aesthetics and visual resources created by the HST as well as possible mitigation measures it does appear to downplay the actual impacts to the City of Madera, as indicated in the previous comments. Though there are examples of potential mitigation measures that may be applicable to the Project within the City of Madera, there is no clear commitment or assurance of what would actually be available to be applied to the system within the City of Madera to mitigate impacts to aesthetics and visual resources. The City believes language should be included stating that specific measures shall be incorporated into the Project. Examples include:
- a. All vertical deck surfaces and sound walls shall be treated with architectural elements (i.e. stamped pattern, surface articulation, decorative texture treatment, or combination thereof) determined acceptable to the City.
 - b. All support pillars/structures visible from public and private views shall be treated with an architectural element (i.e. stamped pattern, surface articulation, decorative texture treatment, or combination thereof) determined acceptable to the City.
 - c. Where determined appropriate by the City, and determined to be safe from noise and other impacts of the Project by the Project’s environmental analysis, the Project will develop bicycle trail and pedestrian pathway with related amenities and landscaping beneath the HST system.
 - d. Where determined appropriate by the City, the Project will develop landscape features, including decorative walls and bench features to be developed beneath the HST system.
 - e. Where determined appropriate by the City, the Project will develop parking facilities, including landscape features to be developed beneath the HST system
 - f. A mechanism shall be in place to assure the perpetual repair and maintenance of the facilities in a timely manner at no cost to the City.
88. Building Removal. An issue not discussed in the document is the impact caused by removing buildings and structures along “E” Street for the HST Project. This will create unobstructed views of the existing freight train corridor that are currently blocked by the existing structures. This should be included in the evaluation of the impacts to the downtown core of the City.
89. Visual Distraction. There also appears to be no discussion of the visual impact created by the actual movement of the trains through the City. What attention is given to the visual distraction created by the train sets movement on the system in close proximity to viewers in the area?
- As presented in the Draft EIR/EIS, the City of Madera believes that the analysis of the Project as it relates to the UPRR/SR 99 Alignment fails to identify critical impacts to the community. We also believe that mitigation measures are not adequate to ensure that significant effects are mitigated to less than significant levels. Because a reasoned, adequate response to our comments would require the presentation of new information which identifies significant impacts not disclosed in the draft document, we request that the Draft EIR/EIS be recirculated, and that a minimum of 90 days be provided to review the revised draft.

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City of Madera staff is available to review any of the comments provided in this letter, or to assist the Authority in analyzing impacts and devising appropriate mitigation measures where feasible. Please contact City Administrator David Tooley, or Community Development Director David Merchen at (559) 661-5400 with any questions to request a meeting to discuss these comments in greater detail.

Sincerely,



Robert L. Poythress, Mayor

Response to Submission 582 (Robert L. Poythress, City of Madera, October 12, 2011)

582-1

The Hybrid Alternative has been identified as the preferred alternative for the Merced to Fresno Section and would not affect the heart of the Madera community discussed in the comment. As you note, the UPRR/SR 99 Alternative would result in the highest level of community impacts, followed by the BNSF Alternative, and the Hybrid Alternative would result in the least. As you note, the Hybrid Alternative avoids Downtown Madera and minimizes constructability issues that can lead to delay and cost escalation. The estimated cost of the Hybrid Alternative is substantially less than the other alternatives (about \$450 million less than the BNSF Alternative and over \$1 billion less than the UPRR/SR99 Alternative).

Responses to subsequent comments in your letter provide more detailed information regarding impacts and mitigation measures in Madera.

582-2

See MF-Response-GENERAL-7.

582-3

See MF-Response-GENERAL-1.

582-4

In general, placing a new transportation facility in an existing transportation corridor minimizes impacts compared to placing a new transportation facility in a location where none exists today. Although impacts have already been created in Madera by the existing transportation corridor, the Draft EIR/EIS does conclude that impacts in Madera under the UPRR/SR 99 Alternative would be significant and proposes mitigation measures for significant impacts, as discussed in MF-Response-General-5.

582-5

Comment #4: See MF-Response-GENERAL-2.

Comment #5: See MF-Response-GENERAL-13.

Comment #6: The location of the crossing from the BNSF tracks to the UPRR tracks for the BNSF and Hybrid Alternatives was designed to avoid creating a new crossing of the San Joaquin River and to use the current UPRR crossing. Due to design standards related to speed, this requires the shift between tracks to start at the proposed location.

582-5

A crossing of the San Joaquin River on the BNSF tracks was opposed by the City of Fresno and would have required substantially more residential and business relocations within Fresno to reach the Fresno Downtown Station on the UPRR tracks.

Comment #7: Section 2.2.4 provides cross-sections (Figures 2-6 to 2-8) showing that fencing would be used for at-grade, retained fill, and retained cut profiles. No fencing is proposed for elevated profiles because access would be restricted to these areas.

Comment #8: These services could occur on HST trains in conjunction with passenger service, although they are not currently planned.

Comment #9: Radio towers would be monopoles with no attached guy wires. They would be 100 feet tall and spaced approximately every 2.5 miles. Poles would be lighted for nighttime visibility for pilots, and lighting would comply with FAA and jurisdictional requirements.

Comment #10: HMF use by passengers is not planned and HMF use is intended for use by trains only when not in service.

Comment #11: See MF-Response-PUE-1.

Comment #12: See MF-Response-PUE-5.

Comment #13: Descriptions of roadway changes is provided in Appendix 2A, as referenced in Section 2.4.2.2 and 2.4.3.2.

Comment #14: The assessment methodology provided in the FRA guidance manual (High Speed Ground Transportation Noise and Vibration Impact Assessment, 2005) addresses potential long-term noise effects from HSTs, including revenue service and typical maintenance activities. The maintenance activities associated with the five alternative Heavy Maintenance Facility (HMF) sites were included in the noise assessment, and can be found in Section 3.4.5.3, High-Speed Train Alternatives, of the EIR/EIS. Typical maintenance activities, including one inspection vehicle that would travel the alignment (multiple times per week) at very low speeds and other periodic track maintenance as needed, would occur during the nighttime non-revenue service period (midnight to 5 a.m.). Since the number of train pass-bys associated with these maintenance activities would be substantially less than the number of revenue service operations and the trains would be slower, they do not substantially contribute to the overall project noise exposure and would not cause potential noise impact.

Comment #15: See MF-Response-GENERAL-5.

Comment #16: See MF-Response-GENERAL-5.

Response to Submission 582 (Robert L. Poythress, City of Madera, October 12, 2011) - Continued

582-6

#17 – The text in Section 3.2.5.3 under the “Consistency with Regional Plans and Policies” heading has been revised to state: “The HST Project is generally consistent with the plans and policies in Table 3.2-1, although it is not consistent with the proposed HST routes identified in every plan and policy.”

#18 – A list of cities was added to the text in Section 3.2 Transportation in the EIR/EIS, under the heading “Urban Area Construction Impacts on Circulation and Emergency Access,” to clarify which corridor communities are included in this discussion. The list includes the city of Madera. The Authority would implement a Construction Transportation Plan to minimize construction impacts on circulation and emergency access. See MF-Response-TRAFFIC-1. The activities covered by this plan have been provided in more detail in Section 3.2.6. Some details of construction activities for Merced and Fresno are included in the EIR/EIS because of the availability of construction information related to the HST stations in these cities.

#19 – The reference to a construction access plan was revised to Construction Transportation Plan for consistency with the Construction Transportation Plan described in Section 3.2.6 Project Design Features. The plan will be prepared in consultation with the pertinent city or county, and will be reviewed and approved by the Authority.

#20 – Changes to conventional Passenger Rail Service: Text has been modified in this subsection of Section 3.2 to report accurate information. Also see MF-Response-GENERAL-13.

#21 – Disruption to parks and trails, including five existing parks in the City of Madera (Rotary Park, Sharon Avenue Linear Park, Riverside Park, Courthouse Park, County Road 27 ¾ Linear Park, and the Vern McCullough Fresno River Trail, is discussed in Section 3.15 Parks and Recreation. Regarding noise and vibration impacts on pedestrian and bicycle use under and around elevated tracks, see MF-Response-NOISE-4.

#22 – Altering Freight Rail Transportation: The HST alternatives would, in some locations, restrict the ability of UPRR and BNSF to construct new spur lines for potential future customers. Although the city supports the extension listed there are currently no plans for this extension.

582-7

a) Over and underpasses for local streets will be provided as part of the HST project, or in some cases roads may be closed and traffic redirected appropriately.

b) Column spacing can be adjusted during the next phase of design.

c) The CAHSRA acknowledges the future modification of the interchange at Gateway and Cleveland and will address this during final design.

d) CAHSRA has the intention of maintaining existing transportation corridors to their capacity. Details will be refined during final design. See MF-Response-GENERAL-8.

e) Typical depth of HST viaduct (top of rail to bottom of viaduct) is 12.5 feet. For special cases where straddle bent structures are required the depth increases to 13.5 feet. These occur when crossing a railroad track or SR99 at a skewed angle.

f) During future phases of design the HST viaduct height can be adjusted to accommodate future improvement to existing interchanges. CAHSRA will collaborate with the city during design efforts to determine what may be accommodated during final design.

g) There is sufficient clearance (16.5 feet) at the future Ellis Street overcrossing location.

h) See MF-Response-PUE-5.

i) HST alignment is elevated in this area and does not affect traffic circulation along Sharon Blvd north/west of Country Club Dr. There will be continued access from Sharon Blvd to the areas north as it is existing now. South of Country Club Dr., Sharon Blvd is realigned to the east and all existing roadway connections are provided, thus maintaining traffic circulation.

j) Based upon the most current and available information, some right of way along 4th Street may be needed however due to the limitations of base maps the final right of way requirements could not be determined at the 15% design level. If the A2 alternative is selected this will be addresses during the 30% design effort. If this alternative is selected, the CAHSRA will conduct appropriate field surveys to collect more detailed

Response to Submission 582 (Robert L. Poythress, City of Madera, October 12, 2011) - Continued

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data. See MF-Response-SOCIAL-1.

k) The environmental document identified partial and full property takes based upon current and available data, however, due to the limitations of current parcel data, the final determination regarding property takes cannot be made until detailed field surveys and engineering design has been further developed. If the use of the parcel is impacted, the CAHSRA will determine whether it is a full or partial take.

l) The CAHSRA will adhere to applicable design standards.

m) The Merced-Fresno HST project has consulted with Caltrans and reviewed available information and documentation to identify reasonable foreseeable projects, however, no design information is available or has been identified for this particular project from Caltrans. Coordination with Caltrans will continue throughout the design phase.

n) Appropriate permits will be secured by the construction contractor as applicable.

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24. See MF-Response-NOISE-8.

25. See MF-Response-NOISE-8 and MF-Response-NOISE-6, The heights of proposed sound walls are given in the Noise and Vibration Technical Report Section 8.1, Operational Noise Mitigation Measures.

26. See MF-Response-NOISE-6 and MF-Response-NOISE-4, The contractor will be required to meet all applicable construction noise limits. Potential noise and vibration impact from train operations has been assessed for the proposed project according to the principal assumptions described in Section 3.4.3.3, titled Impact Assessment Guidance, which includes expected train speeds and track type. As such, it is expected that the future operating conditions of the HST will be consistent with these assumptions. Potential long-term noise impact is assessed according to typical operating conditions, not specific operations associated with train testing.

27. See MF-Response-NOISE-4 and MF-Response-NOISE-7.

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28. See MF-Response-NOISE-4.

29. See MF-Response-NOISE-4 and MF-Response-NOISE-8.

30. See MF-Response-NOISE-3 and MF-Response-NOISE-6.

31. See MF-Response-NOISE-9.

32. See MF-Response-NOISE-6.

33. See MF-Response-NOISE-6, Text has been added to the EIR/EIS and the Noise and Vibration Mitigation Guidelines (Appendix 3.4-A) to explain mitigation considerations for undeveloped lands. Mitigation will be considered for undeveloped lands where sensitive receptors will be if there is substantial physical progress (e.g., laying the building foundation) toward the construction of the property by the time the notice of intent of the project has been issued.

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46 and 47. See MF-Response-SOCIAL-7.

48. The EIR/EIS provides information at the regional level for the three counties. Complete information on the population characteristics at the city and county level is provided in the Merced to Fresno Community Impact Assessment.

49. Text in the EIR/EIS has been updated to reflect demographic information from the 2010 U.S. Census.

50. See MF-Response-GENERAL-8 and MF-Response-SOCIAL-4. Text in the EIR/EIS indicates that the study area for the Merced to Fresno section is comprised primarily of communities of concern and the majority of the impacts, both adverse and beneficial, would be predominately borne by communities of concern.

51. See MF-Response-SOCIAL-4.

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52. See MF-Response-VISUAL-2 and MF-Response-VISUAL-3

53. See MF-Response-GENERAL-19. Refer to Section 3.18, Regional Growth, where new jobs created by the HST Project are also forecasted for Madera County. The increase in employment is based upon regional modeling and information on the methods is included in Section 3.18, Regional Growth. The creation of new jobs in the county would result in increases in tax revenues for the county from sales and property tax increases.

54. See MF-Response-GENERAL-8. Information is based upon the existing land uses adjacent to the railroad corridors which are typically associated with industrial related uses and any other uses are subject to visual, air quality, and noise effects of the existing trains. The elevated alignment through the City of Madera is not expected to result in any significant impacts to land uses adjacent to the HST. The HST would add incrementally to the existing UPRR and SR 99 corridors in the City of Madera. Refer to Appendix 3.13-B, Land Use and Communities, which provides additional information on how the HST Project would not preclude development in the adjacent land uses. Because development would not be precluded no negative impacts on property values are anticipated.

55. SO MM#7 has been revised for the Final EIR/EIS to include performance standards and not defer the mitigation.

56. Because many of the benefits and impacts are at the regional level text in the EIR/EIS discusses only the counties. Where applicable, the text in the EIR/EIS and the Community Impact Assessment (CIA) provides information on the potential loss of property tax revenues associated with the property acquisitions. In the CIA, the information is broken down by city and county and summarized in the EIR/EIS. The HST Project would not limit the ability of any of the cities to provide services to residents, refer to Appendix 3.13-B, Land Use and Communities, which provides additional information on how the HST Project would not preclude development in the adjacent land uses.

57. See MF-Response-GENERAL-8, MF-Response-SOCIAL-1, MF-Response-LAND

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USE-3, MF-Response-LAND USE-4. The elevated alignment would require about 50 feet of right-of-way through the City of Madera and the access is maintained under the elevated guideway. The HST project's level of design somewhat limits the level of detail that the EIR/EIS analysis can achieve. A relocation analysis has been completed as part of the Merced to Fresno documentation. The analysis included an analysis of all properties that would be impacted by full and partial property acquisitions, the number of employees that would be impacted due to business relocations, and a determination of suitable locations for business relocations. The analysis looked at replacement properties within the citywide relocation replacement areas and within a 30-mile radius within the unincorporated portions of the counties. The analysis identified locations near the areas where the acquisitions occur for the business acquisitions in the City of Madera, so businesses could be relocated in close proximity to their existing locations. Suitable locations for any businesses acquired as part of the HST project are located in same general area, so impacted businesses could relocate near their existing locations. Refer to SO-MM#2 in Section 3.12.7 for information on the relocation plan that will be developed for the project. The HST project would add incrementally to the existing transportation corridors and no significant impacts on adjacent land uses occur.

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58, 59, and 60. See MF-Response-LAND USE-3, MF-Response-LAND USE-4 and MF-Response-GENERAL-8. Refer to Appendix 3.13-B, Land Use and Communities, which provides additional information on how the HST Project would not preclude development in the adjacent land uses.

61. See MF-Response-LAND USE-2. As described in Section 3.13, Station Planning, Land Use, and Development, consistency with local plans and policies is not required, but the analysis did include a review of the goals and policies of the local land use plans, as well as other plans, to identify conflicts that could result in potential environmental impacts. Information are the plans and policies and any inconsistencies is included in Appendix 3.13-A, Land Use Plans, Goals, and Policies.

62. See MF-Response-LAND USE-3, MF-Response-LAND USE-4, and MF-Response-GENERAL-8. Refer to Appendix 3.13-B, Land Use and Communities, which provides additional information on how the HST project would not preclude development in the

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adjacent land uses. Because the HST project would not result in any significant impacts to land use, no mitigation is required.

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63a. The Authority would coordinate with the City of Madera to establish appropriate compensation in terms of allowance or additional property to accommodate for displaced park use during construction. Options may include preparing a plan for alternative public recreation resources during the period of closure, and preparing signs and newsletters describing the project, its schedule, and the alternative public recreational opportunities. Alternative parks and recreational resources may include the installation of recreational facilities, trails, and landscaping on lands currently owned by the city but not already developed, or it may include temporary park development on open lands until the park can be reopened. Mitigation may include providing financial compensation for purchase and development of replacement park property of at least equivalent value with the property acquired or, where appropriate, enhancement of the existing facility.

63b. The Authority will coordinate with the City of Madera to establish appropriate compensation in terms of allowance or additional property to accommodate for displaced park use during construction. Options will include preparing a plan for alternative public recreation resources during the period of closure, and preparing signs and newsletters describing the project, its schedule, and the alternative public recreational opportunities. Alternative parks and recreational resources will include the installation of recreational facilities, trails, and landscaping on lands currently owned by the city but not already developed, or it will include temporary park development on open lands until the park can be reopened. Landscaping replacement will include replacement grass areas, tree replacement on a ratio of two 5 inch caliber trees for every tree removed and two shrubs for every shrub removed. All other facilities will be replaced or moved on a one for one ratio, including play equipment, benches and the like.

Where the project is elevated over Sharon Avenue Linear Park, County Road 27½ Linear Park, Riverside Park, and the planned extension of the Vern McCullough Fresno River Trail, the parkland/trail segments under the guideway would be restored after

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construction and would once again be available for recreational use. Mitigation will include installation of landscaping and lighting in consultation with the City of Madera and per the Authority's policy on air-rights consistent with restrictions related to HST operations, maintenance, and security).

63c. Mitigation for the project will include plans, to be submitted and reviewed by the City for concurrence that will detail how corridor connectivity will be permanently preserved for wildlife migration/connectivity to existing known migration corridors.

63d. During the final design process for the selected Preferred Alternative, the Authority will coordinate with the City of Madera to arrive at legal agreements for the financial compensation and/or suitable project mitigation or enhancements for any parkland (including trail property) to be permanently acquired by the Project or temporarily occupied during the construction period. Mitigation for the project will include detailed plans, to be presented to the City for review and concurrence, that will explicitly detail all aesthetic and noise mitigation measures to be employed by the Project to offset visual and aesthetic impacts to parks from HST structures; these measures will be finalized only after concurrence with the City.

63e. During the final design process for the selected Preferred Alternative, the Authority will coordinate with the City of Madera to arrive at legal agreements for the financial compensation and/or suitable project mitigation or enhancements for any parkland (including trail property) to be permanently acquired by the Project or temporarily occupied during the construction period. The Project will also coordinate with the City to arrive at a legal agreement with the City wherein responsibilities for maintenance/security for park areas located under HST structures will be stipulated.

63f. During the final design process for the selected Preferred Alternative, the Authority will coordinate with the City of Madera to arrive at legal agreements for the financial compensation and/or suitable project mitigation or enhancements for any parkland (including trail property) to be permanently acquired by the Project or temporarily occupied during the construction period. Mitigation for the project will include detailed plans, to be presented to the City for review and concurrence, that will explicitly detail all aesthetic and noise mitigation measures to be employed by the Project to offset visual and aesthetic impacts to parks from HST structures; these measures will be finalized

Response to Submission 582 (Robert L. Poythress, City of Madera, October 12, 2011) - Continued

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only after concurrence with the City.

63g. During the final design process for the selected Preferred Alternative, the Authority will coordinate with the City of Madera to arrive at a legal agreement with the City wherein responsibilities for maintenance/security for park areas located under HST structures will be stipulated.

63h. Mitigation for the Project will include plans, to be submitted and reviewed by the City for concurrence that will detail how trail connectivity will be permanently preserved for recreational use post-construction and how trail connections will be maintained, or suitably detoured, during construction. The DEIR/S has been revised to describe, and address potential impacts to, the Vern McCullough Fresno River Trail. It is not anticipated that the Project would result in the conversion of any property from the planned extended trail, nor would it disrupt the continuity or use of the extended trail post-installation of the elevated guideway.

64. Analysis of the Vern McCullough Fresno River Trail has been added in several locations in the Parks section and Section 4(f) Evaluation to assess the impact of the HST Project on this planned resource, which is documented in the City of Madera General Plan as a proposed project. Directly per comment, text has been added to Section 3.15.4 (under "Planned Parks") noting that the City of Madera's Parks and Community Services Department has been awarded more than \$500,000 in funding from Congestion Mitigation and Air Quality (CMAQ), Bicycle Transportation Account (BTA), and Local Transportation Fund (LTF) to construct a trail undercrossing that takes the Vern McCullough River Trail underneath UPRR and Gateway Avenue from very near the intersection of Riverside and the Sharon Avenue Linear Parks and terminates at the trail-head at Rotary Park.

65 through 69. The Authority will coordinate with the City to establish appropriate compensation in terms of allowance or additional property to accommodate for displaced park use during construction. Options will include preparing a plan for alternative public recreation resources during the period of closure, and preparing signs and newsletters describing the project, its schedule, and the alternative public recreational opportunities. Alternative parks and recreational resources will include the installation of recreational facilities, trails, and landscaping on lands currently owned by

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the city but not already developed, or it will include temporary park development on open lands until the park can be reopened. Landscaping replacement will include replacement grass areas, tree replacement on a ratio of two 5 inch caliber trees for every tree removed and two shrubs for every shrub removed. All other facilities will be replaced or moved on a one for one ratio, including play equipment, benches and the like

70 and 71. Table 4-2 in Draft Section 4(f) Evaluation has been revised to include references to all the amenities at Rotary Park noted by commenter. Description of Rotary Park and Riverside Park in Section 4.6.1 of Draft Section 4(f) Evaluation has been similarly revised to accurately reference all amenities at Rotary Park and Riverside Park per comment. Table 3.15-2 has also been similarly revised to accurately note all amenities at Rotary Park and Riverside Park noted by commenter.

72. Findings of de minimis impacts under Section 4(f) are preliminary and will be subject to concurrence by the jurisdiction with ownership of the park/recreation resource. The Authority will be engaging all such jurisdictions with regard to pursuing a finding of de minimis impacts, including discussions on beneficial mitigation/enhancement actions that may result in a park/recreational resource setting that are more advantageous to the community. This is noted in Section 4.1.3.4 of the Draft Section 4(f) Evaluation.

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Aesthetics and Visual Resources

74. It is agreed that the elevated guideway would become a predominant visual feature of the City of Madera. It also is agreed that generally unobstructed views toward the HST alternative are available from parks, the downtown area, and from within some residential areas. The analysis of aesthetic and visual quality impacts cannot consider every possible view, one of which is noted by the commenter at a location slightly north of KVP 10 from Rotary Park. It is agreed that there are some locations where views, such as from some residences that are not part of the view from KVP 10, would have greater impacts than at other locations. Some of these sensitive views from residences would be eliminated through property acquisitions. Considering the three key viewpoints (KVPs 10, 11, and 12) selected as representative of conditions in the city, the Madera

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landscape unit was found overall to have significant impacts under NEPA and significant impacts under CEQA. Various techniques to minimize and mitigate potential impacts to visual quality from the HST's structural elements would be considered during design and are identified in the EIR/EIS.

#75. The design of the HST presents several opportunities for the Authority to direct the incorporation of visual elements and structural modifications that can minimize or mitigate adverse impacts by the HST to aesthetics and visual quality. Some areas where the HST would be located also could have beneficial impacts by screening unattractive views, such as blighted areas. Landscaping, art, lighting, architectural materials and features, earthen berms, and textured, treated, or colored walls may be used to lessen the effects of project components, including the possibility of graffiti. Generally, a menu of design features would be developed to address specific issues related to operation or construction of the project. The Authority and FRA would seek input from citizens and community leaders to help identify which aesthetic treatments and mitigation measures are most context-appropriate in conjunction with the design and construction of the HST. Section 3.16.6, Mitigation Measures, in the EIR/EIS describes various methods for minimizing and mitigating the impacts of constructing and operating the HST. The EIR/EIS does not defer mitigation, but rather provides an extensive set of mitigation measures that would be further reviewed, refined, and applied as design progresses and permits are obtained.

During final design of elevated guideways and the Merced and Fresno stations, the Authority will coordinate with local jurisdictions on the design of these facilities so that they are designed appropriately to fit in with the visual context of the areas near them. This will include the following activities:

- For stations: During the station design process, establish a local consultation process with the City of Merced and the City of Fresno to identify and integrate local design features into the station design through a collaborative context-sensitive solutions approach. The process will include activities to solicit community input in their respective station areas. This effort will be coordinated with the station area planning process that will be undertaken by those cities under their station area planning grants.
- For elevated guideways in cities or unincorporated communities: During the

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elevated guideway design process, establish a process with the city or county with jurisdiction over the land along the elevated guideway to advance the final design through a collaborative context-sensitive solutions approach. The working groups will meet on a regular basis to develop a consensus on the urban design elements to be incorporated into the final guideway designs. The process will include activities to solicit community input in the affected neighborhoods. The text regarding coordination and collaboration with communities has been revised as above in Section 3.16.6 of the Final EIR/EIS, Mitigation Measures, including additional details.

#76. Table 3.16-1 has been revised to include and consider the additional goals and policies noted in the comment. Section 3.16.2.3, Local and Regional Plans, Policies, and Regulations in the EIR/EIS includes the statement: "Consideration of local community design guidelines would be part of a subsequent phase of analysis for project-specific environmental review, when more detailed engineering and architectural information would be developed."

#77. Section 3.16.4.1 has been revised to mention views of the Sierra Nevadas and Fresno River.

#78. Visual quality for a particular landscape unit receives a rating that applies generally to the landscape unit based upon the visual specialist's professional expertise and field investigations. Visual quality ratings for landscape units are based upon a limited number of representative specific key viewpoints in accordance with the FHWA methodology used for the analysis. This means there may be areas and specific locations with higher or lower visual quality. The analysis of aesthetic and visual quality impacts cannot consider every possible location or view; rather, key viewpoints were selected as representative of existing conditions and with the addition of the HST to the view. Conditions and impacts at one locale (a park, for example) in the Fresno landscape unit do not necessarily correspond to those at another similar locale in the Madera landscape unit, because of the various factors and differences contributing to impacts as viewed from the selected key viewpoints. The addition of a new visual element to the landscape may change the view but does not necessarily degrade or improve the visual quality.

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#79. The text and table has been revised to reflect the comment, which is correct. That is, the Hybrid Alternative has the least substantial and significant impacts according to the analysis at key viewpoints to all the landscape units.

#80. See the response to #75. In addition, the final design process would indeed include coordination and collaboration with all communities, regardless if an HST station would be located in a community.

#81. The photo simulations are accurate from the viewpoint regarding the height of elevated guideway piers, which are based on HST grades and engineering design. The viewpoints may not show the entire height of the columns because of intervening landscape features, such as streets at higher elevations than the base of the piers. Such representations in a photo simulation are unavoidable but may be noted in the caption. The caption has been revised.

#82. The addition of a sound barrier atop an at-grade or elevated guideway would obstruct more of the view above. The area depends on the viewer's proximity and elevation.

#83. See the response to #74.

#84. See the response to #75.

#85. See the response to #75.

#86. Table 3.16-5 acknowledges that before and after the mitigation measures there would be significant visual impacts regarding the Madera landscape unit for the UPRR/SR99 alternative (VQ #4 in the table), as noted in the comment. Mitigation measures would help reduce the impacts.

#87. See the response to #75. In addition, the City's statement regarding specific mitigation measures is noted for later consideration and collaboration.

#88. See the response to #74. In addition, the effect of property acquisitions and building removal are discussed when relevant to particular viewpoints. Buildings removal

582-12

is noted in Table 3.16-2.

#89. Visual distraction was considered as part of the exposure and sensitivity of viewers in Section 3.16.5.3..

Next to Last Paragraph of Comment Letter: The request for an extension of the comment period is noted. See MF-Response-GENERAL-7.

582-13

34. The EIR/EIS has been updated to reflect the information provided in the City of Madera's 2009 General Plan.

35. Allied Wastes Services has been added to Table 3.6-3 as the solid waste collection service provider for the City of Madera.

36. The HST system would be a state facility and would be subject to state and federal regulations, including Government Code section 4216. The Authority will be meeting with local districts, municipalities, and other entities to develop Memoranda of Agreement that will define terms and conditions whereby the Authority would work with local agencies to resolve utility conflicts.

37. The Authority will replace any stormwater basin capacity lost through HST construction. Preliminary engineering has confirmed the feasibility of either avoiding impacts to existing stormwater basins or relocating the stormwater basins within the HST construction footprint. If utilities cannot be relocated or modified within the construction footprint defined in Chapter 2 Alternatives, additional environmental analysis would be conducted, if necessary. All basin construction and modification will adhere to pertinent standards.

38. The project team has consulted with local utility providers to identify existing and proposed facilities within the project footprint. A meeting was held with a representative from the City of Madera in September of 2009, and an electronic file of the water, sewer, and storm drain facilities was provided to the team. This file included the proposed Town Center Basin, but did not include the proposed Southeast Madera Development Basin.

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Table 3.6-13 has been modified to reflect this additional utility conflict. The Authority will continue to coordinate with utility owners to refine utility information, identifying and evaluating all facilities within the HST footprint.

39. Refer to MF-Response-PUE-5 regarding utility coordination during final design. No utilities will be located within the HST right of way, and utility operators will not need to work within the HST right of way. If any utility needs to cross under the HST right of way, it will be placed in a casing that will allow maintenance access from outside the HST right of way.

582-14

See MF-Response-WATER-1.

582-15

The 2009 City of Madera General Plan has been reviewed and updated in the EIR/EIS as applicable.

582-16

Comment 42: Please see MF-Response-S&S-8. The potential for successful criminal and terrorist acts is negligible throughout the HST system, in both urban and rural areas, due to project design and system features.

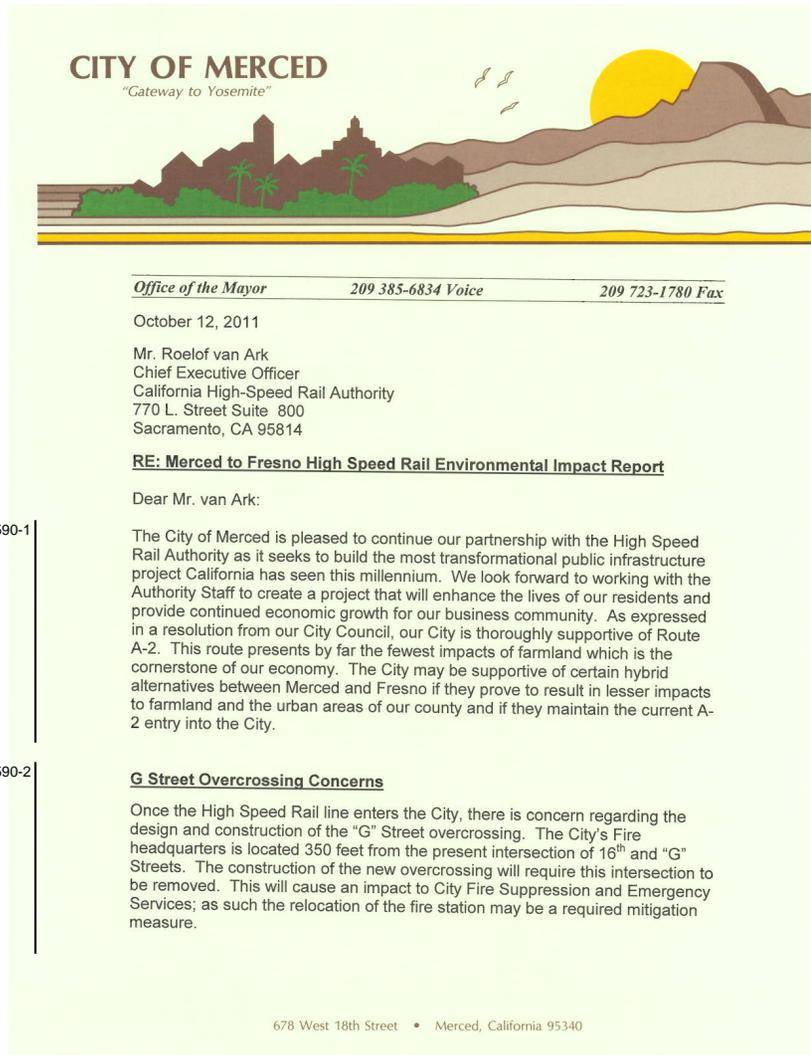
Comment 43: High-risk facilities adjacent to each of the alternative alignments are presented in the Affected Environment section of Section 3.11, Safety and Security, of the EIR/EIS. Many of the tall structures that could pose fall hazards, and three refineries that could pose explosion risks, are located in Merced and Fresno, where all three alternatives have the same alignment. In portions of the alignments that vary by alternatives, four tall structures and one fuel refinery are located along the UPRR/SR 99 Alternative in Madera County; and two tall structures occur along the BNSF and Hybrid alternatives in Merced and Madera counties. Additionally, the Kinder-Morgan high-pressure petroleum pipeline poses an explosion risk for all three alternatives, although the UPRR/SR 99 Alternative has the longest adjacency to the pipeline since it follows the UPRR corridor for its entire alignment.

582-16

Comment 44: Ladder trucks are not available in every area of the HST system that would contain elevated tracks. As described in Section 3.11.6, Safety and Security Project Design Features, of the EIR/EIS, ground access would be available from elevated tracks where access to ground equipment is required. This ground access could be used in the event of an emergency. Additional ground access can be considered, consistent with fire and rescue procedures.

Comment 45: Accidents and intentional acts of violence are unpredictable, as the commenter notes. The HST system would incorporate system safety and security plans and design features to address the potential for accidents and criminal and terrorist acts, as discussed in the subsections Train Accidents and Security Detering Criminal Acts and Terrorist Attacks in Section 3.11.5.3, Safety and Security - High-Speed Train Alternatives, and in MF-Response-S&S-4 and MF-Response-S&S-8. These measures would deter criminal and terrorists acts, facilitate early detection of such acts, and design the HST train sets and infrastructure to prevent collisions and to protect passengers and bystanders in the event of an accident. As a result of implementing these measures, the potential for accidents and successful criminal and terrorist acts would be negligible.

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590-1

590-2

590-2

590-3

590-4

In addition, the overcrossing structure will cause a major connectivity and visual barrier within the heart of our community. It will obstruct the views of several of Merced's most significant structures including the Merced Theatre and Courthouse. As such, significant attention to the design and aesthetic quality of the overcrossing will be required. Even with the careful design of a structure, the overcrossing will ultimately create a significant barrier to residents living south of Highway 99. Many of the residents living south of Highway 99 have limited access to automobiles to travel to services found throughout the community. Therefore, constructing overcrossings with steep grades would have a disproportionate impact upon the community unless there is proper mitigation. In addition, the steep grade may close the overcrossing during frost and icy weather similar to the current Bradley Overpass.

Major Business Impact

In addition, the construction of numerous overcrossings would effectively eliminate north/south traffic to the 30 City blocks located between Highway 99 and the High Speed Rail line. Such an effect would greatly hinder the economic viability of these parcels which include several of the largest employers in the community, several of the largest tax payers within the community and a large senior residence neighborhood. This may well lead to an inverse condemnation of a significant swath of viable development within our community. Given these results, further construction of overcrossings along Martin Luther King Way, "M" Street, "R" Street and "V" Street will not be a plausible alternative for our community without extremely costly mitigation measures.

This is a concern even with a single overcrossing. There are more than a dozen businesses that have primary access points at the intersection of 16th and G Streets. With a tremendous change in traffic circulation the economic viability of these businesses in particular and other businesses within the area is concerning. The economic affect of the "G" Street overcrossing to these businesses needs to be carefully analyzed and extensive mitigation measures should be implemented.

Raising the Rail Line

The City believes that the Authority should provide further analysis into raising the High Speed Rail line by at least 10' into our community. This would allow for more subtle undercrossings to be constructed through the downtown area and potentially eliminate the overcrossing at "G" Street. Undercrossings have the advantage of having less significant profiles; this would be especially true if the rail lines were raised. The reduced slopes would lessen the impact of crossing the lines for vehicles as well as for pedestrians and bicyclists who represent a large portion of the traveling methods for residents living south of Highway 99. The potential to raise the tracks could possibly begin before the tracks enter the

Submission 590 (William Spriggs, City of Merced, October 12, 2011) - Continued

590-4 | downtown as Caltrans is beginning work to reconstruct the 16th Street overcrossing on the eastern side of our downtown. The new overcrossing is 6' higher than the existing structure. This new development was not included in the analysis of the high speed rail line into Merced or the elevation of the Merced station and should be factored into the mitigation plans.

590-5 | **Major Impacts on Traffic**

The City is concerned with the traffic impacts of the high speed rail line through our community. The EIR does not contain a complete traffic study of each of the many roadways that will be affected by the construction of the high speed rail. The High Speed Rail Authority will be working in conjunction with the City to complete a traffic analysis. This process will begin in 2012 and will be completed in early 2013. The City believes that the traffic mitigation measures should be amended once the traffic analysis is completed. Until a detailed analysis is completed, it is impossible for the City to provide a precise review of the various levels of services that will result from this project. A comprehensive and detailed Station Area Plan is impossible until the City knows whether there will be undercrossings or overcrossings throughout the downtown.

The document includes a narrative describing the anticipation of construction materials being transported on existing public roadways. However, there is no detail as to the amount of material that will be transported, the routes or the times of day for transportation. Given the magnitude of this project, the amount of construction material will be significant. The City is highly concerned that the construction traffic on local roadways will result in significant distress leading to rapid deterioration. Mitigation measures will be needed to adequately address these issues.

590-6 | **Impacts on City Facilities and Services**

The regrettable loss of the community's only Youth Center and Senior Center will result in a significant impact to the community that will need to be mitigated with the construction of new facilities within the community. The City is also concerned with the potential increase in demand for emergency services as a result of the numerous additional travelers that will traverse through our City. This impact does not seem to be mitigated within the document.

The development of the station will also greatly increase the demand for various municipal services. On a daily basis the station will induce thousands of travelers to converge on our City. These visitors will have an impact on the community's police and fire forces. As such, the City requests mitigation measures. One such should be a station landing fee whereby travelers will help provide a revenue stream to pay for the municipal services they will require.

590-7 | **Heavy Maintenance Facility Analysis Flawed**

The City also has significant concern regarding the analysis of the Castle Heavy Maintenance Facility. Although High Speed Rail Authority representatives have advised that the location of a Heavy Maintenance Facility (HMF) will be evaluated/determined at a later time, the document provides very premature cost estimates for the HMF alternatives. Merced's Castle HMF has been estimated to cost approximately \$400 million more than the other potential sites. This is largely due to the inclusion of the alignment and track costs between the Downtown Merced station and the Castle HMF. The vast majority of this cost will be used for the Merced to Sacramento segment of the High Speed Rail. As such, it should not be equated as a cost for the Castle HMF, because it is a cost that will be incurred by the Authority whether or not Castle is ultimately chosen for the HMF.

Additional Spur Alignment Possibilities

Additionally, the alignment of the HMF spur is highly questionable. The City would appreciate the opportunity to work with authority staff to identify potential alternate locations along the Highway 59 corridor or along an existing MID canal to the east of the proposed alignment. Both of these proposed alignments would result in a greatly reduced impact on the residents of the Franklin/Beachwood area. In summation, the City would urge the authority to delay the inclusion of potential costs in the HMF sites until further analysis and value added engineering could be completed and to defer the selection of a preferred location until a more thorough analysis of all Heavy Maintenance Facilities can be thoroughly researched.

We look forward to working with the California High Speed Rail Authority on the Station Area Planning Study to find reasonable mitigation measures for the downtown and station areas.

Sincerely,



William Spriggs

Mayor, City of Merced

Submission 590 (William Spriggs, City of Merced, October 12, 2011) - Continued

City of Merced
 Merced to Fresno EIR
 Technical Review

590-8

Section 2.0—Alternatives:

- P. 2-9, Figure 2-9—Aerial construction straddle bents located within the Merced City Limits/Urbanized Areas should be avoided or designed to be aesthetically pleasing with limited disruption to the visual quality of the roadway and overall community.
- P. 2-14, Sec. 2.2.7.1—All traction power substations should be located outside of the urbanized station area.

590-9

- P. 2-29, Sec. 2.4.1.1—The City of Merced requests a correction to roadway access as listed in the Draft EIR/EIS documents to the new University of California, Merced campus. Currently, the Draft EIR/EIS lists Santa Fe Avenue as the route to the university campus. In fact, the City's Vision 2030 General Plan and Circulation Plan show the Campus Parkway project serving as a direct link to the University and proposed University Community and existing California State Highway 99.
- P. 2-54—Additional major access points to the potential HST Downtown station include West & East 16th Street, California State Highway 140/Yosemite Parkway. These are not listed as access points within the report.

590-10

- P. 2-82—The City of Merced, in conjunction with the University of California and the State of California High Speed Rail Authority, could work to create a partnership where U.C. Merced Engineering graduates would provide a tremendous workforce and technical resource for a HMF site at the Castle Commerce Center.
- P. 2-97/98—Construction Activities—In addition to serving as the Heavy Maintenance Facility, the Castle Commerce Center could be offered by Merced County for pre-construction staging activities including pre-cast concrete and temporary batch plants with appropriate mitigation measures.

590-11

Section 3.2—Transportation:

- P. 3.2-112, Table 3.2-50—Existing Plus Project Mitigation Measures for Merced Station—Intersection #44 (Main St/H St): The Mitigation Measure (TR MM #9) calls for converting the existing 2-way stop controlled

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intersection into an all way stop controlled intersection; given the changing traffic patterns, the City believes it should be a signalized intersection. A majority of 4-way stop intersections in the HSR impact vicinity are all-way stop signalized intersections. Therefore, the City is requesting an all-way stop signalized intersection be placed at the aforementioned location.

- P. 3.2-112, Table 3.2-50—Existing Plus Project Mitigation Measures for Merced Station—Roadways—M St between 13th and 16th and V St, west of 13th St (Option A only): Mitigation Measure (TR MM#11) calls for adding one travel lane in each direction for each of these roadway segments. There is no indication that there is existing right of way (ROW) available for such a change—if not, there would need to be ROW acquisition and there is no discussion of the impacts on adjacent properties for such ROW acquisition. The measure may not be feasible unless the State provides a blanket approval for HSR impacted localities to be automatically granted encroachment permits for new lanes over existing railroad corridors.
- P. 3.2-114, Table 3.2-51—Future (2035) Plus Project Mitigation Measures for Merced Station—Intersection #33 (14th St/O St-Option A only): The Mitigation Measure (TR MM #9) calls for converting the existing 2-way stop controlled intersection into an all-way stop controlled intersection; given the changing traffic patterns, the City believes it should be a signalized intersection. A majority of 4-way stop intersections in the HSR impact vicinity are all-way stop signalized intersections. Therefore, the City is requesting an all-way stop signalized intersection be placed at the aforementioned location.
- P. 3.2-114 and 3.2-115, Table 3.2-51—Future (2035) Plus Project Mitigation Measures for Merced Station—Roadways—a) Main St between Yosemite Pkwy/Hwy 140 & G St; b) 16th St between R St & Martin Luther King Jr. Way; c) V St, west of 13th St to 16th St (Option A only); d) M St between 13th & 16th St; e) Martin Luther King Jr. Way between Childs Ave & 13th St; and f) G St between 13th & 16th Sts: Mitigation Measure (TR MM#11) calls for adding one travel lane in each direction for each of these 6 roadway segments. There is no indication that there is existing ROW available for such a change—if not, there would need to be ROW acquisition and there is no discussion of the impacts on adjacent properties for such ROW acquisition. The measure may not be feasible unless the State provides a blanket approval for HSR localities to be automatically granted encroachment permits for new lanes over existing railroad corridors. The City strongly objects to any conclusion of "less than significant impact" regarding the proposed disconnection of 16th Street from "G" Street and "MLK," and most likely "M," "R" and "V" that may be included in Merced to Sacramento EIR/EIS. This action shifts the arterial street classification and associated traffic from 16th (a 4 lane high-speed corridor) to Main Street (a 2 lane road low-speed road), which will

Submission 590 (William Spriggs, City of Merced, October 12, 2011) - Continued

590-11

result in significant impacts to circulation, air quality, noise and land use patterns.

- P. 3.2-120, Table 3.2-54—Existing Plus Project Mitigation Measures for Castle Commerce Center HMF—Intersection #67 (Main St/H St): The Mitigation Measure (TR MM #9) calls for converting the existing 2-way stop controlled intersection into an all-way stop controlled intersection; given the changing traffic patterns, the City believes it should be a signalized intersection. A majority of 4-way stop intersections in the HSR impact vicinity are all-way stop signalized intersections. Therefore, the City is requesting an all-way stop signalized intersection be placed at the aforementioned location.
- P. 3.2-122, Table 3.2-55—Future (2035) Plus Project Mitigation Measures for Castle Commerce Center HMF—Intersection #56 (14th/O St—Option A only): The Mitigation Measure (TR MM #9) calls for converting the existing 2-way stop controlled intersection into an all-way stop controlled intersection; given the changing traffic patterns, the City believes it should be a signalized intersection. A majority of 4-way stop intersections in the HSR impact vicinity are all-way stop signalized intersections. Therefore, the City is requesting an all-way stop signalized intersection be placed at the aforementioned location.
- P. 3.2-126, Section 3.2.7.4—Mitigation Measures for Pedestrian and Bicycle Facilities: The project proposes to provide a pedestrian/bicycle overcrossing of the HSR tracks near D Street due to the restrictions caused by closure of the street, but there is no discussion of how this would be accomplished, how the ROW would be obtained and how much ROW would be required in order to get the length and slopes to go over the tracks. In addition, the City is concerned with the size/height and scale of such an overcrossing and its other potential impacts including impairing visual quality.
- P. 3.2-129, Section 3.2.10—Potential Future Option for Improved Transportation Connectivity in Merced: The City desires to coordinate the potential design for this future option closely with the Authority. The City believes there are several potential benefits from its construction, though we believe that its ultimate path must be sensitive to the existing business and residential community.

590-12

Section 3.4—Noise and Vibration:

The City of Merced, upon careful review of the Draft EIR/EIS, is mindful that other cities along the HST route are receiving noise mitigation measures, i.e. sound walls, throughout those respective municipalities and outlying urban areas. The City of Merced follows the same State Highway

590-12

99 corridor and the same rail lines as the cities who are receiving noise and vibration mitigation measures. The City of Merced requests to be included in best practices appropriate noise mitigation measures, as discussed in the Draft EIR/EIS documents throughout the Valley. In addition, the following comments are presented:

- Downtown Merced has many older unreinforced masonry buildings located within the vicinity of the HST project construction area including along the track line and near the downtown station. The Draft EIR/EIS does not discuss construction vibration, nor mitigation measures, for buildings located along 16th Street.
- P. 3.4-21 through 24, Table 3.4-10—Existing Noise Testing Locations: There were only three test locations identified within the City of Merced limits. The City requests an adequate review of additional noise testing and the potential impacts of noise on the community.
- P. 3.4-39—The City disagrees with the conclusion that there would be no severe noise impacts because of the high level of existing noise in the community. The City is of the opinion that this is a qualitative judgment; the inclusion of another noise producer will make it more difficult for various property developments to occur in Downtown including residential and mixed use projects. Appropriate mitigation measures are requested in the EIR/EIS.
- P. 3.4-8—Several of the test sites that show up in the category 2 including 720 W 15th Street and 340 South Parsons are residential facilities, furthermore, 163 E 13 Street is adjacent to the last test point and after reviewing the noise sensitive chart on P. 3.4-7, the sound levels fall into a Category 2 and are identified as "Severe Impact," which is not reflected in the Draft EIR/EIS report.

590-13

Section 3.6—Public Utilities and Energy:

- P. 3.6-10, Table 3.6-3 and Correction Note to P.12— City of Merced provides water and sewer services to some County non-incorporated areas adjacent to the City. City utility services are also provided to U.C. Merced.
- P. 3.6-10, Table 3.6-3—Draft EIR/EIS should clearly state whether the refuse table is for collection or disposal. There are multiple refuse collectors within Merced and Fresno Counties, and landfill sites within both counties are government owned.
- P. 3.6-10, Table 3.6-3—The City of Merced requests a separate section for both potable and irrigation water considerations.

Submission 590 (William Spriggs, City of Merced, October 12, 2011) - Continued

590-13

- P. 3.6-17, Correction to Table 3.6-6—*Landfill Facility Summary*—The table indicates approximately 93% remaining capacity at the refuse site, while the narrative explains that there is approximately 72% remaining capacity.
- P. 3.6, Table 3.6-5—The City of Merced has expanded its Waste Water Treatment Plant Capacity from the capacity listed in the Draft EIR/EIS. The current capacity is 12 MGD.

590-14

Section 3.7—Biological Resources and Wetlands:

- Mitigation Measure No. 5 (MM#5) references the creation of a Biological Resources Management Plan (BRMP) that will make provisions for monitoring assignments, scheduling and responsibility. The Draft EIR/EIS defines entities other than the City of Merced as responsible for the biological resources mitigation measures; Such defining of roles should be replicated in the BRMP.

590-15

Section 3.8 – Hydrology and Water Resources:

- P. 3.8-11-Section 3.8.4.2 and Table 3.8-2— Merced Irrigation District (MID) diverts Merced River water through their irrigation canals and pipeline systems through the High Speed Rail Project Area. Many of the MID canals also provide storm water conveyance. The Draft EIR/EIS consultant should contact MID for irrigation and storm water service periods.
- P. 3.8-19-Section 3.8.4.3—UPRR/SR 99 Alternative—Merced Irrigation District conveys Merced River water for irrigation through the project area.
- P. 3.8-33-Section 3.8.5.3—Permanent Impacts on Surface Water Quality – The HST station, parking lots and parking structures would be required to have SWPPP both during and post construction. Best Management Practices would be required during construction to prevent stormwater pollution from entering into existing storm drain systems.
- P. 3.8-37-Section 3.8.6—Project Design Features for Stormwater Management and Treatment— Due to the perennial stream flow and ponding environment, mosquito abatement and vector issues, permanent wet basins and swales are discouraged. Dry weather basins and vegetated swales are encouraged.

Section 3.10 – Hazardous Materials and Waste:

590-16

- P. 3.10-4 –Table, City of Merced – The Draft EIR/EIS identifies the "*City of Merced Hazardous Materials Area Plan*" as the response guidance document for the City. The City of Merced is not in possession of this plan and there are not any current employees who are aware of the existence of such a document.
- P. 3.10-5 through 16—*Hazardous Materials/Wastes Technical Report* (separate document source for EIR Section 3.10), Table 5 – 6, page 5 – 16.

Comment: The table lists "Former Standard Oil/Tune-up Masters" at 608 W 16th Street, Merced, as a Historical PEC and "*case closed 1996*". Merced County Division of Environmental Health re-opened the site as a gasoline impacted underground storage tank case in November 2008 (CA Geotracker #T10000000587.). The responsible parties (Chevron & UPRR) have conducted soil borings late spring of 2011 and we are awaiting a report of findings. The site is adjacent (northwest) to the intersection of UPRR line and M Street. This site should be added to the "*Current PECs*" tally and maps in Section 3.10 in the EIR. With mitigation measures it should not be an issue but this corrects the listed status of the site.

Correction: The table lists Costco address as "14445" R Street, corrected address should be "1445" R Street.

590-17

Section 3.11 – Safety and Security:

- Page 5 – Table 3.11-2 – Should add the *Merced Regional Airport Emergency Plan*
- Page 7 – Table 3.11-3 – Under the Service Areas heading the City of Merced FD covers the City, not the unincorporated areas of the County. Under the Equipment heading add five frontline fire engines and four reserve engines.
- The construction of the G Street overcrossing will have a significant impact on the central Fire Station. The City will need to coordinate the design of the structure in order to avoid a negative impact on response time. If an increase in response time is unavoidable, a new station location and facility will be required.

590-18

Section 3.13—Station Planning, Land Use, & Development:

- P. 3.13-25 through 26—Heavy Maintenance Facility Alternatives—This section indicates that impacts on land use surrounding the Castle Commerce Center HMF site would be less than the other sites because

Submission 590 (William Spriggs, City of Merced, October 12, 2011) - Continued

590-18

the land uses are predominantly commercial and industrial. The Draft EIR/EIS indicates that the impacts for this alternative are "less than significant" under CEQA. The City believes these impacts to be significant and further analysis should be performed relating to the impacts of the Merced-Castle connection.

590-19

Section 3.16—Aesthetics and Visual Resources:

- The City of Merced is concerned over the wide-scale "under-estimation" of visual impacts, especially in our urbanized areas. In several places, the Draft EIR/EIS implies that since the areas of Merced are not considered to be very attractive to begin with, that adding the HST and its contributing visual impacts will not result in a loss of visual quality and, therefore, the Draft EIR/EIS lists the impacts as "less than significant" under CEQA. The City disagrees with the findings of "less than significant" impact for areas within the City of Merced. (Examples of this appear on P. 3.16-33, -35, -52, -53, -54, and -55.) There are no stated mitigation measures as a result due to a perceived lack of visual quality in the community for the Martin Luther King Jr. Way, N Street and 16th Street corridors. The City of Merced would require aesthetic and visual resources mitigation measures as part of the HST within the community.

590-20

Section 3.17—Cultural and Paleontological Resources:

- P. 3.17-42, Figure 3.17-6 and 3.17-43, Figure 3.17-7—Correction to figure with text label "Castle Commerce Center Site" in the middle. This is an error and the label should refer to "Downtown Merced Station" instead.
- P. 3.17-28—The City of Merced, in concurrence with Merced County, believe the Castle Commerce Center HMF analysis includes numerous questionable historic sites. This leads to an impression of a far greater impact on cultural and paleontological resources. Some of the questionable sites include a trash dump, sewage plant and the running track of decommissioned air base.
- P. 3.17-37-44—The loss of historically registered structures with expansion to the Castle Commerce Center HMF or surrounding Downtown HST station are not of considerable historic value or current high structure quality. The City of Merced recognizes the worth of notable buildings including the Old CHP KAMB and Railroad Building and will subsequently not be affected by a southern alignment on UPRR as called for in the Draft EIR/EIS.
- P. 3.17-45—The City of Merced urges the CAHSR to work with the local cemetery district if any mitigation is required due to the footprint on HST

590-20

line possibly encroaching on De Long Memorial Park. Although, the built physical line rail line does not appear to disturb the private property.

590-21

Section 4-4(f) Resources:

- P. 4-26, Sec. 4.5.1—The City of Merced does not believe there to be an impact to Bob Hart Square during Phase I station site construction due to wind direction (typically W-NW) and distance from station site at 1,100 LF. Although, the City of Merced urges the CAHSR to apply all appropriate mitigation measures if required in the Draft EIR/EIS.

Response to Submission 590 (William Spriggs, City of Merced, October 12, 2011)

590-1

See MF-Response-GENERAL-10. Please see Final EIR/EIS Chapter 7.0 for a discussion of the Preferred Alternative.

590-2

The Authority will continue to coordinate with the city and the fire department as necessary to resolve the city's concerns regarding the G Street overcrossing. The Authority looks forward to discussing these issues with the city, including the potential to modify the fire department exit as well as roadway and intersection configurations to streamline fire response routes and alleviate the impact of losing the 16th Street and G Street intersection. Resolution of these items will be documented in an MOU between the Authority and the city, which is currently being negotiated.

Section 3.16 (Aesthetics and Visual Quality) discusses the visual impacts associated with the Merced station and the G Street overcrossing in downtown Merced. The Authority would continue to collaborate with the city on a design that is context sensitive and aesthetic treatments of the G Street overcrossing to alleviate their concerns. The overcrossing would be ADA compliant, would not have excessively steep grades, and would not create a significant barrier for residents living south of Highway 99.

590-3

See MF-Responses-SOCIAL-3 and MF-Response-TRAFFIC-2.

The project proposes an overpass only at G Street. Traffic analysis associated with this roadway modification is presented in Section 3.2.5.3 of the EIR/EIS. Significant impacts have been identified, and mitigations required to reduce these impacts are also presented in the EIR/EIS.

590-4

Raising the HST profile to accommodate underpasses would also necessitate raising the UPRR track. The UPRR track would have to be raised approximately 18 feet to accommodate an underpass that would intersect with 16th Street. Raising the UPRR track to allow an underpass at G Street would conflict with the existing SR 99 bridge over the UPRR track. Raising the HST tracks would also result in a larger footprint for the HST station due to the grade differential with surrounding streets 15th Street would

590-4

also have to be raised along the HST station to allow vehicular and emergency access into the station.

590-5

See MF-Response-TRAFFIC-1 and MF-Response-GENERAL-1.

The traffic analysis in the EIR/EIS used the best available data at the time of its preparation, consistent with the 15% level of project design. The analysis generally takes a conservative approach by identifying impacts on the basis of continuous construction and full station demand. As construction in Merced is not imminent, there is time for the Authority and the City of Merced to discuss refinements to the project design and traffic mitigations (including the use of viaducts, overcrossings, and undercrossings). If discussions result in modifications, additional environmental analysis may be required. No specific revisions are reasonably foreseeable now, however, so no associated analysis is required.

The amount and type of construction material to be used on the project will vary, dependent upon the final design of the project. Information about the amount of material to be transported, the transport routes, and specific times of day is not known and cannot be known at this time. Nonetheless, the EIR/EIS provides measures to reduce the potential impacts of construction traffic. Section 3.2.6 describes the project design features that will help reduce its impacts. One of these design features is a construction transportation plan that will ensure that standard traffic control measures are employed. This feature has been expanded to describe the key elements of the plan. In addition, mitigation measure TR-MM#1: Access Maintenance for Property Owners describes the elements of the access maintenance plan. See MF-Response-TRAFFIC-1.

590-6

See MF-Response-SOCIAL-1 and MF-Response-S&S-6. The impacts to the McCombs Youth Center and the Merced Senior Center both result from the construction of the guideway to the Castle Commerce Center HMF. Section 3.12.5, Socioeconomics, Communities, and Environmental Justice provides additional information and SO-MM#4, Implement measures to reduce impacts associated with the relocation of community facilities, in Section 3.12.7 provides information on what will be done if these facilities

Response to Submission 590 (William Spriggs, City of Merced, October 12, 2011) - Continued

590-6

are impacted. Also see MF-Response-GENERAL-15.

590-7

Please see MF-Response-GENERAL-20.

590-8

See MF-Response-VISUAL-3.

590-9

The following text was added to Section 2.4.1.1, Planned Growth, under the No Action Alternative in the EIR/EIS: "The Campus Parkway project will provide a direct link to the UC Merced from SR 99 when the parkway is completed." Text was added to Section 2.4.2.4, HST Stations, under the UPRR/SR 99 Alternative in the EIR/EIS stating that West 16th Street and East 16th Street are additional accesses from SR 99 and that "SH 140 provides an additional access route from areas east and west of Merced."

590-10

See MF-Response-GENERAL-15

590-11

Response to comment on page 3 of the letter (Major impacts on Traffic): The EIS/EIR currently identifies the truck routes within the City that would be potentially used by the construction traffic. The report also presents the daily peak-hour trips generated by the construction traffic and its impacts on the specific intersection locations. The Construction Transportation Plan, as described in Section 3.2.6 Project Design Features in the EIR/EIS include project elements that would be used during construction to minimize construction effects on circulation. Detailed information on construction material hauling will be addressed in the Construction Transportation Plan as well.

The tables referenced in the responses below reflect the numbering of the tables in the FEIR/EIS for the tables referenced in the comment.

Bullet #1: Table 3.2-58 - Intersection#44: Main St/H St – Under the existing conditions, the addition of project traffic at the intersection of Main St/H St (#44) changes LOS from

590-11

B to E, resulting in project impact. However, this location does not meet the traffic signal warrant. Therefore, signalization was not proposed as mitigation at this location.

Bullet #2: Table 3.2-58 - Roadways (existing conditions) - This mitigation measure was identified to be physically feasible and reduces project impact to less than significant level. The Authority will work with the City of Merced to revise these mitigation measures so they are acceptable to the City and equal to or more effective than the measures provided in the DEIR/EIS.

Bullet #3: Table 3.2-59 - Intersection #33: 14th St/O St - Under the future conditions, the addition of project traffic at the intersection of 14th St/O St(#33) changes LOS from B to E, resulting in project impact. However, this location does not meet the traffic signal warrant. Therefore, signalization was not proposed as mitigation at this location.

Bullet #4 – part 1: Table 3.2-59 - Roadways (future conditions) - This mitigation measure was identified to be physically feasible and reduces project impact to less than significant level. The Authority will work with the City of Merced to revise these mitigation measures so they are acceptable to the City and equal to or more effective than the measures provided in the DEIR/EIS.

Bullet #4 – part 2: The M-F project proposes an overpass at G Street only. Traffic analysis associated with this roadway modification is presented in the EIR/EIS. Significant impacts have been identified and mitigations required to reduce these impacts are also presented in the EIR/EIS.

Bullet #5: Table 3.2-62 - Intersection #67: Main St/H St - Under the existing conditions, the addition of project traffic at the intersection of Main St/H St (#67) changes LOS from B to E, resulting in project impact. However, this location does not meet the traffic signal warrant. Therefore, signalization was not proposed as mitigation at this location.

Bullet #6: Table 3.2-63 - Intersection #56: 14th St/ O St - Under the future conditions, the addition of project traffic at the intersection of 14th St/O St (#56) changes LOS from B to E, resulting in project impact. However, this location does not meet the traffic signal warrant. Therefore, signalization was not proposed as mitigation at this location.

Response to Submission 590 (William Spriggs, City of Merced, October 12, 2011) - Continued

590-11

Bullet #7: In coordination with the City of Merced, pedestrian and bicycle crossing facilities over UPRR and HSR will be provided. The facility will be ADA compliant. Location, crossing type, aesthetics, and other design features will be coordinated with the City of Merced at 30% design level.

Bullet #8: Potential Future Option for Improved Transportation Connectivity in Merced - The Authority will continue to work with the City of Merced throughout the duration of the project.

590-12

See MF-Response-NOISE-6, MF-Response-NOISE-5, and MF-Response-NOISE-3.

590-13

The requested edits to the EIR/EIS text have been made, as appropriate. Irrigation service providers are discussed in Section 3.8, Hydrology and Water Resources.

590-14

See MF-Response-BIO-3.

Bio_MM#5 has been refined to provide clearer performance standards for the Biological Resources Management Plan (BRMP). The delineation of the roles and responsibilities of specific agencies within the BRMP will take place in conjunction with Bio-MM#58, Prepare and Implement a Habitat Mitigation and Monitoring Plan. Roles and responsibilities will overlap between the two plans; as such, specified roles and responsibilities prior to ground disturbing activities will streamline biological requirements through the project timeline as identified in Section 3.7.6.

590-15

See MF-Response-WATER-1 and MF-Response-WATER-5.

590-16

According to the City of Merced Emergency Operations Plan Guidance Document (page 25), the City's *Hazardous Materials Area Plan* is used as the response guidelines for hazardous materials incidents in the City. The City's Hazardous Materials Area Plan is

590-16

also referred to as the "Merced City Fire Department Official Action Guide" (effective February 1, 1988), and was obtained from the City of Merced Records Clerk on March 17, 2011. The Commenter's notes regarding the current status and correct address of sites of potential environmental concern have been noted and verified. Requisite changes to the Final EIR/EIS have been made including to Table 3.10-1.

590-17

The Merced Regional Airport Emergency Plan was added to Table 3.11-2 as requested. Table 3.11-3 in the EIR/EIS was revised to reflect the requested changes to service area and equipment. Per ongoing discussions between the Authority and the City of Merced, the Merced Fire Department is estimating the impacts of the G Street overcrossing on its response time. These discussions were not finalized at the time of the publication of the EIR/EIS. If the response time increases beyond maximum desired response time, the Authority and the City of Merced will discuss mitigation measures. The EIR/EIS does not identify specific mitigation measures because an impact has not been identified at this time.

590-18

See MF-Response-GENERAL-20 and MF-Response-GENERAL-15. Section 3.13.5, Station Planning, Land Use, and Development, of the EIR/EIS is addressing the indirect effects on land use related to induced growth. Because there are commercial and industrial related uses adjacent to the Castle Commerce site the potential for induced growth is much lower than the other HMF sites where the land uses are agricultural. The HMF site location is dependent on the Fresno to Bakersfield EIR/EIS and the San Jose to Merced EIR/EIS.

590-19

See MF-Response-VISUAL-2 and MF-Response-VISUAL-3.

The estimation of impacts is explained in Section 3.16.3 of the FEIR/EIS. In brief, the visual impact assessment was conducted on the following basis. Key viewpoints are selected to represent the range of visual character, quality, and resources within a landscape unit; therefore, some locations will be of lower visual quality than others. Visual resources were identified in policy documents, cultural resource reports, or during

Response to Submission 590 (William Spriggs, City of Merced, October 12, 2011) - Continued

590-19

observations of scenic value and apparent popularity during field work by the visual specialist. The determination of impact is based on the level of change in visual quality from the HST Project and the sensitivity of viewers to that change. Generally, a view with high visual quality is more sensitive to negative change than a view with lower visual quality. Regardless, either could be found to have a significant impact from the HST.

Existing visual quality was found to be moderate at several key viewpoints in Merced, and would increase near the HST station area. The Authority's Urban Design Guidelines for the California High Speed Train Project (Authority 2011) briefly discusses the principles of context-sensitive solutions to guide the design of stations. This approach is equally applicable to elevated guideways and will be employed to mitigate visual impacts through context-sensitive design. Aesthetic Guidelines for Non-Station Structures (TM 200-06; Authority 2012) will also guide design of the HST components. During final design of elevated guideways and the Merced station, the Authority will coordinate with the local jurisdiction and community on the design of these facilities so that they are designed appropriately to fit with the visual context of the areas near them, regardless of the intensity of impacts determined by the visual analysis.

590-20

See MF-Response-CULTURAL-1, MF-Response-CULTURAL-2, MF-Response-CULTURAL-3 and MF-Response-CULTURAL-7. The resources listed in this comment were evaluated as discussed in MF-Response-CULTURAL-2 and MF-Response-CULTURAL-3.

590-21

Evaluation, the Project does not determine that a Section 4(f) "use" would occur at Bob Hart Square. FRA and the Authority shall ensure the appropriate mitigation measures identified in the Final EIR/EIS are implemented.

Submission 301 (Daryl Jordan, City of Merced, September 14, 2011)

Comment Period Extended to
 October 13, 2011

El periodo a hacer comentarios
 está prolongado hasta del
 13 de octubre de 2011



CALIFORNIA
 High-Speed Rail Authority

Comment Card
 Tarjeta de Comentarios

Merced to Fresno High-Speed Train Section
 Draft Environmental Impact Report/
 Environmental Impact Statement (EIR/EIS) –
Public Hearings
 September 2011

Tren de Alta Velocidad Sección Merced a Fresno
 Anteproyecto del Informe de Impacto
 Medioambiental/Declaración de Impacto
 Medioambiental (EIR/EIS) - **Audiencias Públicas**
 Septiembre 2011

Please submit your completed comment card at the
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Por favor entregue su tarjeta al final de la reunión, o
 envíela a una de las siguientes direcciones:

Merced to Fresno HST Environmental Review, 770 L Street, Suite 800, Sacramento, CA 95814

The comment period on the Draft EIR/EIS begins
 August 15, 2011 and ends September 28, 2011.
 Comments received after 5:00 p.m. on **September
 28, 2011 will not be addressed in the Final EIR/EIS.**

El periodo a hacer comentarios empieza a 15 de
 agosto y termina a 28 de septiembre. Comentarios
 reciben después de 5:00 p.m. a **28 de septiembre
 no se responderá en el EIR/EIS final.**

Name/
 Nombre: DARYL JORDAN

Organization/
 Organización: CITY OF MERCED

(Optional/Opcional)
 Address/Domicilio: _____

Phone Number/
 Número de teléfono: 209-385-6846

City, State, Zip code/
 Ciudad, estado, código postal: _____

Email address/
 Correo electrónico: jordan@cityofmerced.org

301-1

I support route A2 due to the least amount of adverse
 agriculture impacts.

301-2

I am concerned about the at grade solution in downtown
 Merced for the HSR station. The at grade design
 creates significant challenges in the downtown circulation
 element. I suggest the impacts and alternatives
 be investigated further.

Response to Submission 301 (Daryl Jordan, City of Merced, September 14, 2011)

301-1

See MF-Response-GENERAL-10.

301-2

Our traffic analysis shows that the project design, and traffic mitigation measures, in downtown Merced are feasible and will mitigate impacts to acceptable levels, without secondary significant impacts. However, as construction in the Merced area is not imminent, we will continue to work closely with the City of Merced to refine and improve the design, as appropriate, to ensure an adequate level of mitigation is provided that is consistent with the measures defined in the EIR/EIS.

Submission 178 (Tony Azevedo, East Merced Resource Conservation District, September 14, 2011)



(209) 563-6559 PHONE
(209) 725-2964 FAX
2135 Wardrobe Ave. Suite C, Merced, CA 95341
www.emrcd.org

September 14, 2011

Merced to Fresno Draft EIR/EIS
770 L Street, Suite 800
Sacramento, CA 95814

To Whom It May Concern:

178-1 The Board of Directors of the East Merced Resource Conservation District is concerned with some of the proposed alternative routes for the High Speed Rail project because of the detrimental effects it will have on our resources. Our charge, as an elected body, is to work to protect the resources of our district. We believe that the detrimental effects of the development and operation of the high speed rail system on those resources must be minimized by choosing the least disruptive alternative.

We are particularly concerned with the loss of prime and important farmland in one of the most productive agricultural areas in the Nation. We support a route that has the lightest impact on productive farmland. We actively oppose division of existing farmland for this project because of the impacts it would have on production, making effective farming difficult if not impossible.

178-2 The Board is further concerned about the impacts on rare and endangered plant and animal species and the habitat that supports them. After reviewing your data it is clear that the UPRR/SR 99 Alternative, particularly the East Chowchilla Design Option, has significantly less impact on wildlife and habitat in almost every category listed.

178-3 Though our commitment is to our district, our concerns extend beyond its boundaries. We have a more global interest in resource preservation and feel strongly about protection of our invaluable land and habitat resources all along the High speed Rail route through the San Joaquin Valley.

In the Fresno to Merced section now being considered, we are opposed to either of the BNSF Alternative options because of their greater impact on farming operations, farmland and wildlife resources.

Thank you for taking our concerns into consideration when designating the preferred route.

Sincerely,

Tony Azevedo, President
East Merced Resource Conservation District

Response to Submission 178 (Tony Azevedo, East Merced Resource Conservation District,
September 14, 2011)

178-1

See MF-Response-GENERAL-4.

178-2

See MF-Response BIO-2 and MF-Response BIO-3.

178-3

See MF-Response-GENERAL-10 and please refer to Chapter 7.0 of the Final EIR/EIS
for a description of the Preferred Alternative.

Submission 708 (William (Bill) Stretch, Fresno Irrigation District, October 13, 2011)



YOUR MOST VALUABLE RESOURCE - WATER
October 13, 2011

California High Speed Rail Authority
770 "L" Street, Suite 800
Sacramento, CA 95814

RE: California High-Speed Train Project – Draft EIR/EIS
Merced to Fresno Section and Fresno to Bakersfield Section
FID Facilities: Various

Dear Sir or Madam:

The Fresno Irrigation District (FID) is located in California's San Joaquin Valley and provides surface water to a service area of approximately 245,000 acres. FID is located in the geographic center of Fresno County and its boundary extends from the San Joaquin River to the north, City of Easton to the south, the Kings River and Friant-Kern Canal to the east and just past the City of Kerman to the west. Water is delivered to agricultural lands as well as the metropolitan areas of Fresno and Clovis. FID diverts an average of 500,000 acre-feet of surface water annually.

FID appreciates the opportunity to review and comment on the California High Speed Rail Authority (CHSRA) Draft Environmental Impact Report (EIR)/ Environmental Impact Statement (EIS) for the High Speed Train System (HST) project for the Merced to Fresno section as well as the Fresno to Bakersfield section. FID wishes to continue being a participating agency and be included in the decision making process for this project. It is FID's understanding that several corridor alternatives are still being considered and a preferred alternative will be selected by the CHSRA and the Federal Railroad Administration (FRA) shortly after the Final EIR/EIS is published in early 2012.

FID has met with several of the CHSRA's consulting engineers over the past 12 months, and has provided information regarding the proposed canal crossings as well as FID's requirements. This letter will include comments regarding the plan sheets included in the EIR/EIS. FID has recently received 30% plans for the northern portion of Fresno and believes the southern Fresno section to be at 15%. FID does not typically submit such detailed comments at this stage, but we believe that this project is very complex and will require a great deal of planning and coordination. FID's comments and requirements are as follows:

BOARD OF DIRECTORS President JEFFREY NEELY, Vice-President RYAN JACOBSEN
STEVEN BALLS, GEORGE PORTER, JERALD REBENSORF General Manager GARY R. SERRATO



TELEPHONE (559) 233-7161
FAX (559) 233-8227
2907 S. MAPLE AVENUE
FRESNO, CALIFORNIA 93725-2218

California High Speed Rail Authority
Re: California High-Speed Train – Merced to Fresno to Bakersfield Draft EIR/EIS
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708-1

- 1. History and Prior Rights** – FID was formed in 1920 as a successor to the privately owned Fresno Canal and Irrigation Company. The assets of the company consisted of over 600 miles of canals and distribution works, which were constructed between the years 1860 and 1900, as well as extensive water rights on the Kings River. In most cases, FID canals pre-date all roads, highways, and railroads.
- 2. Impacted FID Canals and Pipelines (Facilities)** – Attached are several maps and a table which should help the CHSRA understand the number of canal and pipeline crossings and potential impacts including:
 - a. FID map (1 page) illustrating the HST alignment within the FID's boundaries which will potentially impact 19 FID canals;
 - b. FID table (1 page) which includes FID's impacted facilities, corresponding HST stationing, type of facility (open channel, pipeline or basin), size of facility (existing pipeline diameter), approximate flow rate (irrigation and flood flows), and other related information; and
 - c. CHSRA 15% maps that identify FID facilities and correspond to the information provided on the table mentioned above.
- 3. Private Canals** – There are several privately owned facilities that may be impacted by the Project. FID does not own, operate, or maintain these facilities; however they are used to convey surface water from FID to their users. The attached maps are not inclusive of all private pipelines, but illustrate a few of the known private facilities. FID will provide a list of water users upon request.
- 4. Potential Negative Impacts** – The HSRA should recognize that many FID facilities will be directly impacted by the project and will most likely increase FID's Operation and Maintenance costs. To help offset or avoid these additional costs, the CHSRA will need to make the necessary improvements to FID's infrastructure. FID encourages the CHSRA to consider this while considering all improvements. Although most of the road crossings will be relocated either under or over the HST, there will be several road crossings that will be eliminated (e.g. Malaga Avenue, intersection of California, Cherry and Railroad avenues, etc.). These impacts may include but are not limited to: accessibility to system and facilities, increased travel times, increased vehicle mileage, increased operating costs for FID employees to complete necessary tasks due to inability to travel directly and efficiently between work sites, increased number of employees being required to complete necessary tasks, etc.
- 5. Agreements** – During previous discussions with CHSRA's consultants, FID proposed utilizing agreements that are similar to those currently used with Caltrans when State freeways cross canals. Caltrans typically requires two agreements, 1) Utility and 2) Joint Use. The Utility agreement addresses that Caltrans agrees to design and construct a new facility across the freeway at

Submission 708 (William (Bill) Stretch, Fresno Irrigation District, October 13, 2011) - Continued

California High Speed Rail Authority
Re: California High-Speed Train – Merced to Fresno to Bakersfield Draft EIR/EIS
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Caltrans costs and pay for all associated fees including plan review and inspection. The Joint Use agreement acknowledges that there is an understanding that FID is responsible for running water through the pipeline and Caltrans is responsible for all liability and maintenance including facility replacement.

708-2

6. Engineering and Inspection – FID requires oversight of the plans, agreements, and inspection. There will be considerable time and effort required of FID's staff to plan, coordinate, review plans/specifications and inspect the project. To that end, FID will expect to be reimbursed for all associated costs. In addition:
- FID Fees – FID will expect CHSRA to reimburse FID for all associated costs. FID is not able to estimate those fees at this time, but it may be substantial.
 - Engineering – The term "Engineering" includes but is not limited to surveying, design, plan preparation, writing specifications, construction staking, as-builts, etc. Over the past 10 years, FID has worked with a State agency for three large freeway projects and it was very difficult working with the Staff that was not competent or knowledgeable in designing irrigation systems. In addition, dealing with staffing turnover was a continual problem. During recent discussions, FID highly recommended that the CHSRA hire a local Consultant, who is familiar with FID's design specifications, in an effort to reduce costs and save staff time for both agencies.
 - Licensed Engineers and Surveyors – FID requires that CHSRA hire a California Registered Civil Engineer and/or Land Surveyor for the survey and design of any project that impacts the Canal. The Engineer/Land Surveyor will also be required to draft the property/easement description and plats needed for the appropriate agreements.
 - Hydraulics Analysis – FID will require the Engineer to perform hydraulic calculations to determine the necessary pipe, culvert, or bridge dimensions for each canal crossing unless the canal has already been masterplanned by FID. The calculations will help determine water surface profile impacts and the amount of head loss across the new bridge/culvert. New bridge/culvert structures cannot raise upstream water levels.
 - As-Builts – FID requires detailed As-Built Plans after construction has been completed. As-Builts shall include all modified structures, removed structures, relocated structures, dimensions, elevations, material type, etc.
 - Other Utilities Crossing FID Facilities – FID requires its review and approval of all improvement plans which affect its property/easements and canal/pipeline facilities including but not limited to Sewer, Water, Stormdrains, Street, Landscaping, Dry Utilities, and all other utilities.
 - FID requires its review and approval of all Private and Public facilities that encroach into FID's property/easement. If FID allows the encroachment,

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the Public or Private party will be required to enter into the appropriate agreement which will be determined by FID.

7. Small/Medium Canal Crossing Requirements – The majority of the proposed crossings will impact existing pipelines and small open channel canals. Requirements for the pipelines will include:
- Pipeline Requirements:
 - FID will require all open channels and existing pipelines to be replaced with ASTM C-361 Rubber Gasket Reinforced Concrete Pipe (RGRCP). Although many of FID's facilities that lie within the proposed study areas are pipelines, the majority of these pipelines do not meet FID's urban specifications which would include road or highway crossings. The majority of the existing pipelines are monolithic cast-in-place concrete pipe (CIPCP), low head/thin wall PVC, and non-reinforced mortar jointed concrete pipeline. These pipelines were designed for a rural environment and will fail if they are not replaced as part of the proposed project.
 - FID typically requires a minimum of three feet of cover over pipelines. FID tries to eliminate siphons wherever possible due to sedimentation, plugging, and trash removal issues. Most utilities can be moved above and below FID's pipelines and because FID typically pre-dates everyone else, FID should be placed in its desired location.
 - FID is also concerned with its pipelines, which fall outside of the HST ROW and Road ROW, being damaged. FID anticipates the use of large, heavy equipment during construction that could easily damage FID's older pipelines, especially where there is shallow cover and/or non-reinforced concrete pipe.
 - The three conditions that the proposed crossings will likely fall under are:
 - Canal Crossings within the HST ROW.
 - Canal Crossings within a New or Realigned Road or Highway ROW – many of the streets that either cross or parallel the proposed HST will be realigned as part of the project. The Road Maintaining Agency (City, County or State) is responsible for maintaining the canal facilities under the Road ROW and they will most likely require the canal crossing to be upgraded to the requirements mentioned above.
 - Canal Realigned outside of the HST or Road ROW – there may be existing conditions or proposed plans to realign a FID canal outside of the HST or Road ROW as part of the project. FID will require that the CHSRA obtain an exclusive pipeline easement on FID's behalf. The width will vary between 15 to 40 feet depending on the pipeline diameter and site conditions.

Submission 708 (William (Bill) Stretch, Fresno Irrigation District, October 13, 2011) - Continued

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8. **Large Canal Crossing Requirements** – There are several large canal crossings that will not be able to be contained within a pipeline such as the Herndon, Dry Creek, Central and Washington canals. The design shall protect the canal's integrity for an urban setting. The proposed canal crossing must be designed to convey the water in a safe and efficient manner without altering the existing conditions in a negative manner in regards to FID's operations and maintenance. Additional requirements will include:
- a. **Freeboard of Bridge** – FID requires a minimum freeboard of 2.0 feet through the canal crossing, where possible. The freeboard is needed to pass floating debris and trash through the structure. All of the large open canals are used to convey stormwater from the Fresno/Clovis metropolitan area along with the water coming from the rural creeks in eastern Fresno County. Trash will include both large and small items including, but not limited to: shopping carts, couches, refrigerators, tree branches, plastic bags, lawn clippings, leaves, aquatic weeds, and all other trash that one could expect from both urban and rural areas.
 - b. **Bridge/Culvert Type** – FID prefers that the crossing be a clear span bridge with no obstructions within the canal. During recent meetings with the CHSRA's consultants, this issue has been raised on both the Herndon and Dry Creek Canal crossing where a multiple bay box is being proposed instead. FID understands that a multiple bay box culvert is more desirable because it is less expensive, however, it may end up being more expensive with additional costs going towards additional improvements mentioned below. Also, there is increased liability to both FID and CHSRA, due to the possibility of trash accumulating at dividing walls causing the water levels to raise upstream and potential breach and flood nearby homes and businesses.
 - c. **Trash/Debris** – If a multiple bay culvert or a bridge with pilings design is selected, trash and debris will collect on the piers and culvert walls. Access must be provided to remove the trash in a safe and efficient manner. Additional property or easement may be required if it is determined that more trash will collect due to the canal crossing. Maintenance accessibility for trash removal needs to be evaluated based on channel size, amount of trash collected at location in question and accessibility. Galvanized steel or concrete catwalk will be required on the upstream side of the bridge/culvert structure for FID's crews to access the collected trash. See attached FID Detail No. 19 for standard trash pier rider, board guides, apron and ladders. FID's crews will typically remove the trash at the bridge and another crew will come by to remove the trash. The hauling off of this material may occur several weeks after the trash has been placed on the side of the canal, and the trash may be considered a nuisance (sight and smell). If the CHSRA requires a different level of maintenance effort, they will need to enter into an

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- agreement for that purpose and the CHSRA will be responsible to fund the "higher level" of maintenance.
- d. **Equipment Access** – The large canals are typically dredged every 3-5 years depending on the location and the sedimentation carried in that particular canal. FID crews typically remove the sediment with bulldozers in the channel and use large excavators on top removing the sediment and depositing the spoils on top of the banks to dry out. Once the spoil has dried, FID will flatten the spoil as time permits. If necessary, FID will remove the spoils and haul away in a dump truck. With this in mind, FID will need adequate room to load the trucks as well as to pull a semi-truck and trailer loaded with equipment off the road and onto its canal banks.
 - i. **Access from a Parallel Road to the Canal** – It appears that Golden State Boulevard, a road paralleling the HST, will be relocated as part of the project where it crosses the Herndon Canal. In this particular situation, FID will need enough room to pull off the road to access both canal banks. FID will need to access the portion between the UPRR and the HST as well as the canal downstream of the Golden State Blvd. FID typically requires a 50-foot wide drive approaches narrowing to 20 feet wide drive banks (See attached "Drive Approach in Urban Areas" Detail No. 62). The 50-foot width is defined as starting from the end portion of the bridge/railing outward (away from the bridge). Every road and canal intersection is different and therefore each access may be different.
 - ii. **Extend Culverts** – In most cases, the culvert should extend past the HST ROW where FID's equipment can safely access both banks for operations and maintenance (O&M) purposes. The length that the culvert should extend depends on the type of equipment needed to access both banks. At a minimum, the culvert should extend a minimum of 20 feet for FID's Water System Operator vehicles (1/2 ton trucks), spray truck (1 ton truck). Some crossings may need to be extended for larger equipment such as an excavator.
 - iii. **Turnaround areas** – In some situations, turnaround areas may need to be constructed for FID's O&M equipment to turnaround. One example may include the area between UPRR and the HST at the Herndon Canal crossing. Turnaround areas may need to be significantly long and wide to handle the large trucks and equipment.
 - e. **Gaps between Bridges** – FID will not allow small gaps between bridges and culverts such as the one being recommended on the Herndon Canal between the Golden State Blvd., and the HST. This gap will become almost impossible to maintain properly. Instead, FID requires a

Submission 708 (William (Bill) Stretch, Fresno Irrigation District, October 13, 2011) - Continued

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- continuous culvert of the same dimensions extend through the HST and Golden State Blvd.
- f. Canal Banks – As part of the project, the bridge/culvert will transition back to the open canal and the following are a few guidelines and requirements:
- The side slopes are extremely sandy and have eroded due to steep side slopes and accessing of the canal. Required canal improvements will include reshaping the canal and slope stabilization. FID recommends dredging the canal, removing the sediment, re-shaping the side slope to a 1.5:1 (H:V) and compacting to a minimum of 93 percent of maximum density.
 - All disturbed soil will be required to be concrete lined (both side slopes and bottom). In areas close to the HST where access will be an issue and potentially dangerous for maintenance workers, FID will require structurally reinforced concrete to limit the on-going maintenance that typically occurs with gunite or shotcrete slope protection.
 - Drive banks must be sloped a minimum of 2% away from the canal with provisions made for rainfall. Drainage will not be accepted into the Canal and must be routed away from FID property/drive banks. Runoff must be conveyed to nearby public streets or drainage system by drainage swales or other FID acceptable alternatives.
 - Drive banks shall be overlaid with 3 inches of Class 2 aggregate base course for all-weather access.
 - All existing trees, bushes, debris, old canal structures, pumps, canal gates, and other non- or in-active FID and private structures must be removed within FID's property/easement.
 - FID requires a minimum of 1.5 feet of freeboard and a maximum of 2.0 feet.
9. Water Routings and Construction Window – Construction is currently scheduled to begin during Fall 2012. FID assumes that the canal improvement projects will be first order of work because most canals are dry during the fall and winter time. The FID construction window will vary from year-to-year based on the length of the irrigation season, flood routings, recharge deliveries, maintenance projects and projects funded by others. FID's typical irrigation season begins on March 1, with FID opening the headgates to fill the canals/pipelines approximately 8 days prior (approximately February 21). An average irrigation season lasts 6 months, therefore the season will typically end on August 31. In very wet years, such as this current year, the irrigation season may go through mid-November.
- Construction Window – All construction must occur outside FID's irrigation season. A typical construction window would be September 1 through February 22. The canals typically take approximately 1-2 weeks to drain.
 - Stormwater Routings – Many of the impacted canals are also utilized to convey storm water. The canals serve as major arteries of the Fresno

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- Metropolitan Flood Control District (FMFCD) and Army Corps of Engineers flood routing system. The stormwater is a combination of water pumped from urban storm water systems and water from foothill stream flood control projects within and under the jurisdiction of FMFCD. Once the floodwater enters FID's canal system, FID routes the water through various canals, but the majority through the Herndon and Dry Creek systems, to various basins located on the west side of FID.
- c. Bypass – Depending on the canal system, construction schedule, water season, and storm season, a bypass may be needed. If a bypass is not constructed, all water will be required to pass through the project site.
- FID will determine the minimum flow rate if a bypass is required. The Engineer and/or Contractor will be responsible for designing the bypass system. The Bypass system shall include facilities as necessary to convey waters downstream and away from the project such as a channel, pipeline, or bypass pumps (with redundancy). Facilities shall be the responsibility of the Contractor to install and maintain at all times.
 - The Contractor shall prepare and submit, for approval from both the CHSRA and FID, the detailed plans and calculations detailing that the system is capable of handling the projected flow.
 - Should a bypass channel be constructed, a drive bank on both sides of the channel shall be incorporated for maintenance and operation purposes.
 - FID does allow coffer dams, but they must be constructed one foot below the canal's high water level.
 - Should a bypass be situated outside FID's RAW, FID will require a copy of an access agreement from the agency and/or adjacent landowner(s) where the bypass will be constructed. This agreement shall include a waiver releasing FID of any liability as it relates to the bypass channel situated on adjacent properties.
10. Elevated Sections of the HST ROW – During several discussions with the CHSRA's consultants, it appears that the HST will be at grade in northern Fresno, go below grade under Dry Creek Canal and Highway 180, continue at grade and then elevate above grade for a small segment as it transitions over to the BNSF RR, and coming back down to grade near Central Avenue. It is unclear if a fence will be placed along the HST ROW where the HST is elevated. Where the HST is at grade, FID understands that a block wall will be constructed and there will be no at-grade crossings, with all road or railroad crossings being constructed over or under the HST. FID has the following concerns:
- Pilings and Footings – Along the elevated sections of the HST, pilings or columns with large spread footings will be constructed.
 - Impact to FID Pipelines – may impact the Braley and Fresno Colony canals. FID recommends that the pilings and footings be

Submission 708 (William (Bill) Stretch, Fresno Irrigation District, October 13, 2011) - Continued

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constructed outside of FID's easement. If there is an existing pipeline, and the columns will be constructed within FID's easement, FID requires the pipeline be replaced with the RGRCP mentioned earlier. It is possible that the pipeline may need to be re-aligned, but FID prefers to avoid adding additional bends to accommodate the HST wherever possible.

- ii. Impact to FID open canals – may impact the Fresno Colony, North Central and Central canal. Columns may not be placed within FID's easement, which are typically 20-feet on either side of the canal. The HSR should design around this issue or potentially relocate the canal.
- iii. Eliminate Small Remainder Canal segments – the project will bisect several open canals that may leave small open channel segments that will make O&M very difficult. For example, where the HST crosses the North Central Canal, the HST will bisect the canal in between Highway 99 and Cedar Avenue, thus leaving FID with two small open segments on either side of the HST. FID urges the CHSRA to pipeline these segments and prevent creating access and O&M impacts. The other potential crossing issue is on the Fresno Colony Canal.
- b. Fencing along HST ROW – If the CHSRA chooses to fence the HST ROW, FID's access will be eliminated within the section of the canal. FID will require the canal be improved such as piping the open canals (or place within a culvert), replacing old pipe with new pipe, etc. so that routine maintenance is no longer necessary. If this occurs, this may create an additional trash collection location which FID will need to access the upstream location.
- c. Clearance – If CHSRA chooses to allow access under the HSR ROW, FID will require enough clearance over both canal maintenance/access roads for FID's largest equipment being hauled on a large tractor truck and trailer. FID assumes this height would be the same as or greater than freeway/road crossings.

11. Discharges into FID Canals – FID will not allow any discharges into the canals for numerous reasons, including but not limited to, it is a violation Federal/State/Local regulations, FID's Rules and Regulations and negative impact it will have during the Operations and Maintenance Seasons. All existing discharges from the proposed project into canals must be re-routed to FMFCD storm drain facilities.

12. Additional Comments – FID's comments and conditions reflected in this letter are based on the 15% plans which were included in the Draft EIR/EIS. FID has recently received 30% plans from the consultant for northern Fresno section which FID will provide additional comments during the next several weeks. These

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comments will be more specific in regards to each canal crossing, including pipe size, access issues, diversion structures, etc.

Thank you for making available to us the Project for our review and allowing us the opportunity to provide comments. FID appreciates the CHSRA's consideration and incorporation of our requirements and concerns. As previously noted, the proposed project is very complex, and will have the potential to significantly impact numerous FID facilities unless adequate conditions and measures are required. Should you have any questions or concerns in regard to the subject matter, please feel free to contact me at 233-7161, extension 318.

Sincerely,



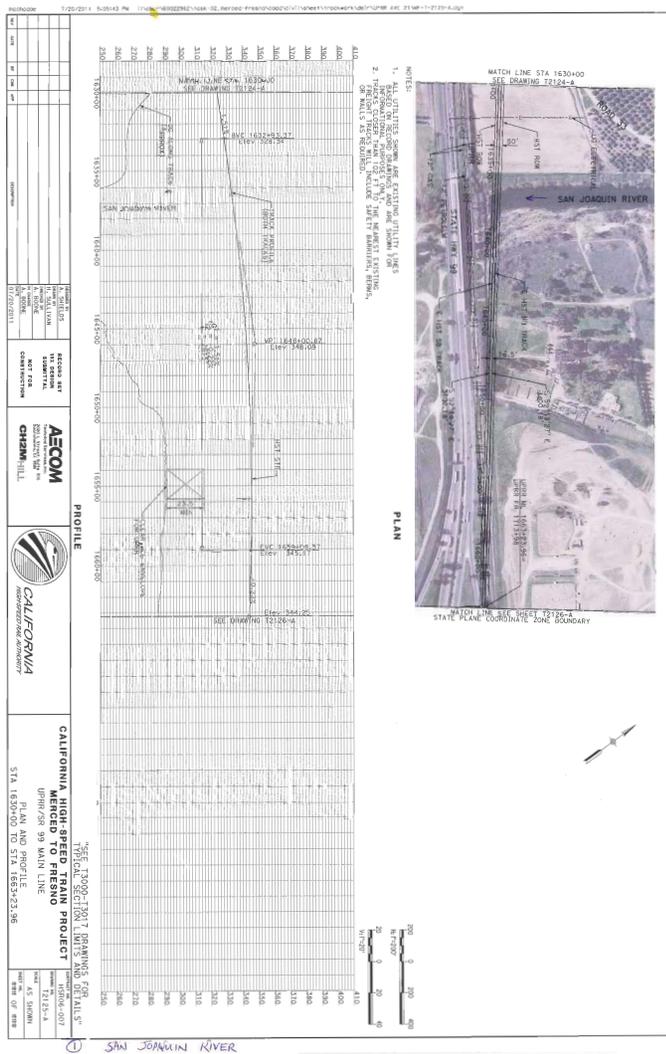
William R. Stretch, P.E.
Chief Engineer

Attachments: FID Map – Impacted FID Canals & Pipelines (Facilities)
FID Table – Facility Information
CHSRA 15% Plans Identifying FID Facilities – Merced to Fresno
CHSRA 15% Plans Identifying FID Facilities – Fresno to Bakersfield
FID Detail No. 62 – Drive Approach in Urban Areas Detail
FID Detail No. 19 – Trash Pier Rider

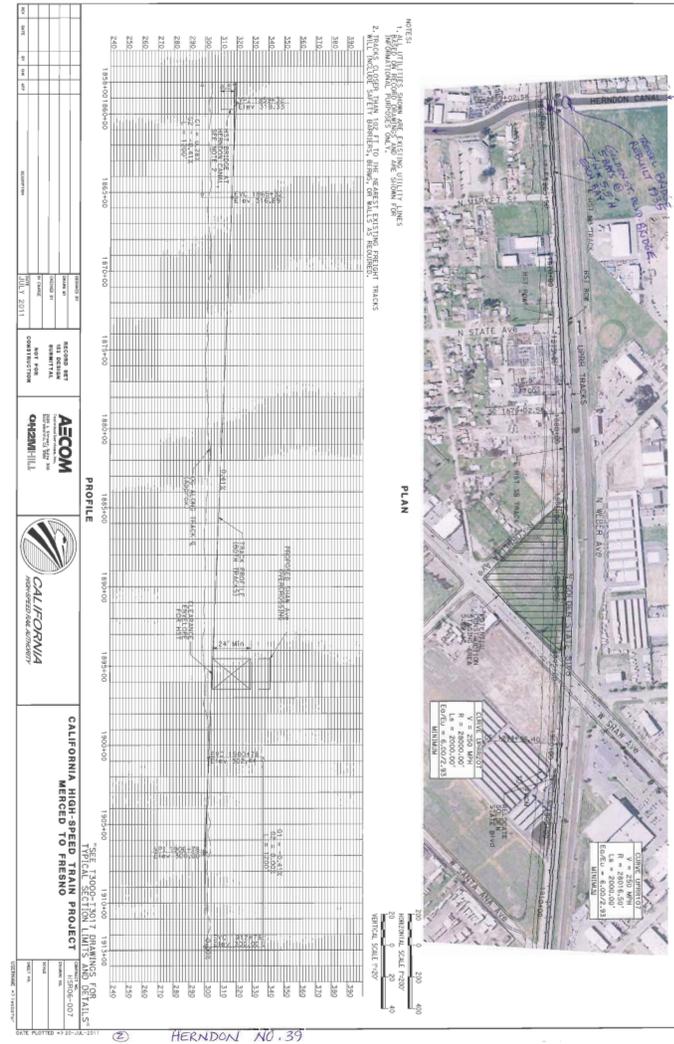
cc: Antonio Molina, URS Corporation
James Labanowski, URS Corporation
Duane McClelland, CH2MHill
Henry Liang, AECOM
Thomas Bernard, AECOM
Marcus Hu, AECOM
Grant Schlereth, Arup
Johnny Kuo, Parson Brinkerhoff
Scott Mozier, City of Fresno
Jerry Lakeman, FMFCD
Gary R. Serrato, FID
Laurence Kimura, FID

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Submission 708 (William (Bill) Stretch, Fresno Irrigation District, October 13, 2011) - Continued

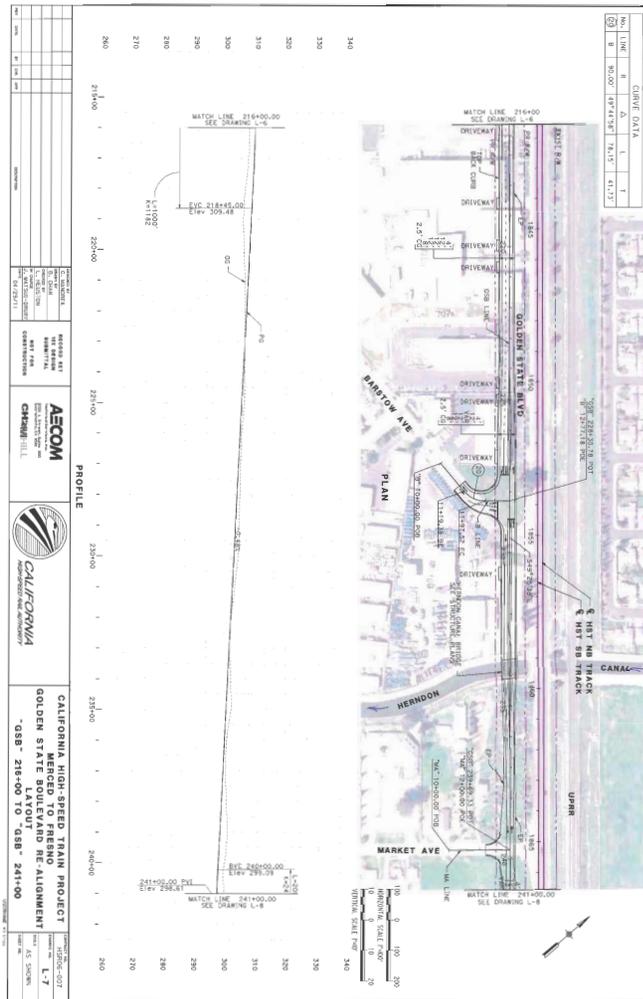


① SAN JOAQUIN RIVER

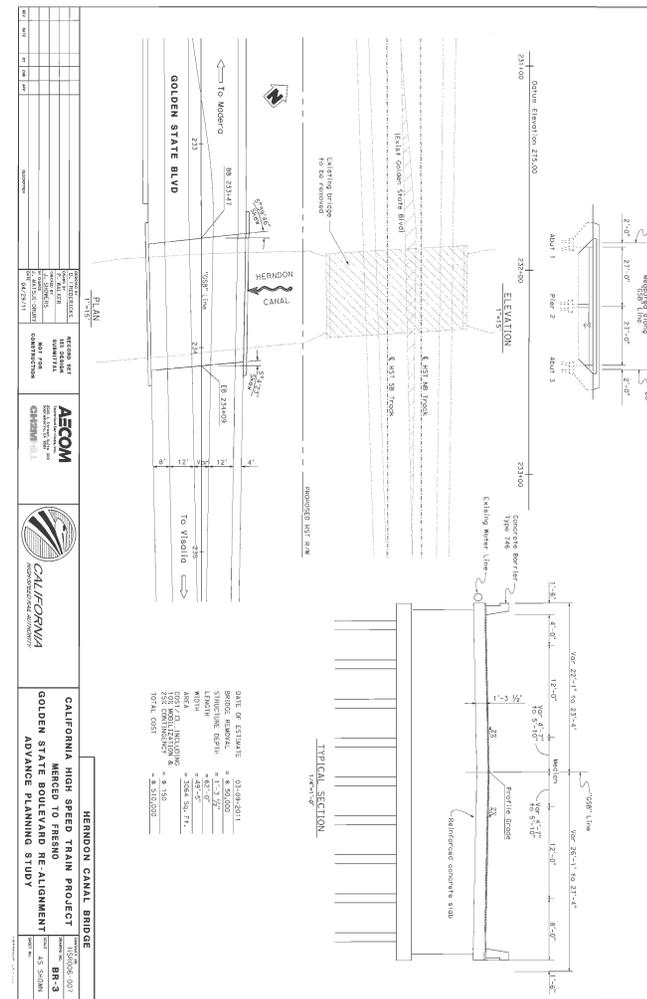


② HERNDON NO. 39

Submission 708 (William (Bill) Stretch, Fresno Irrigation District, October 13, 2011) - Continued

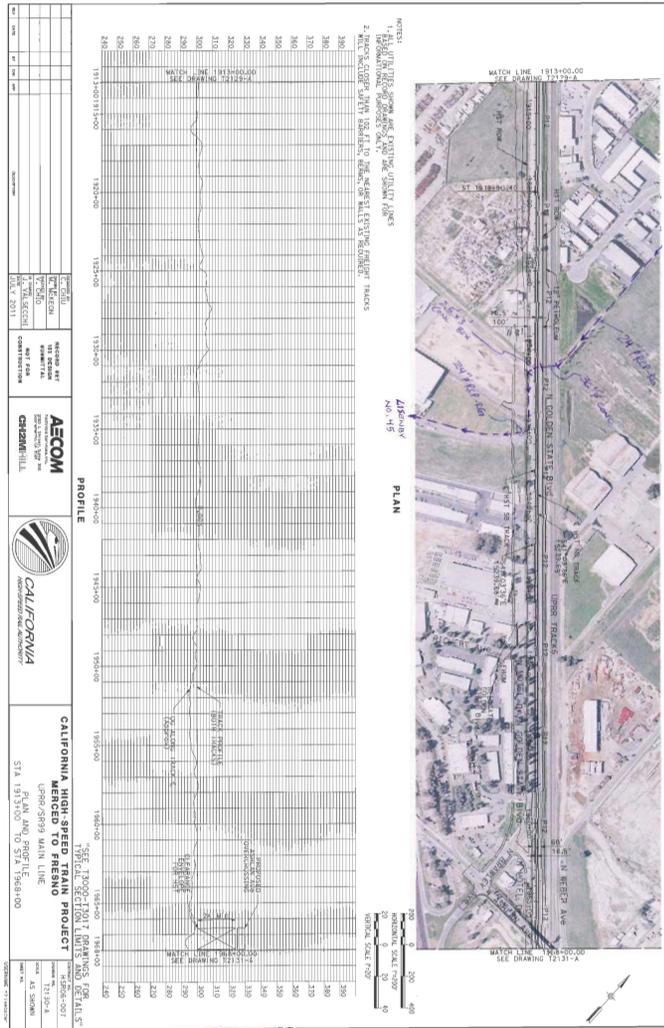


② HERNDON NO. 39

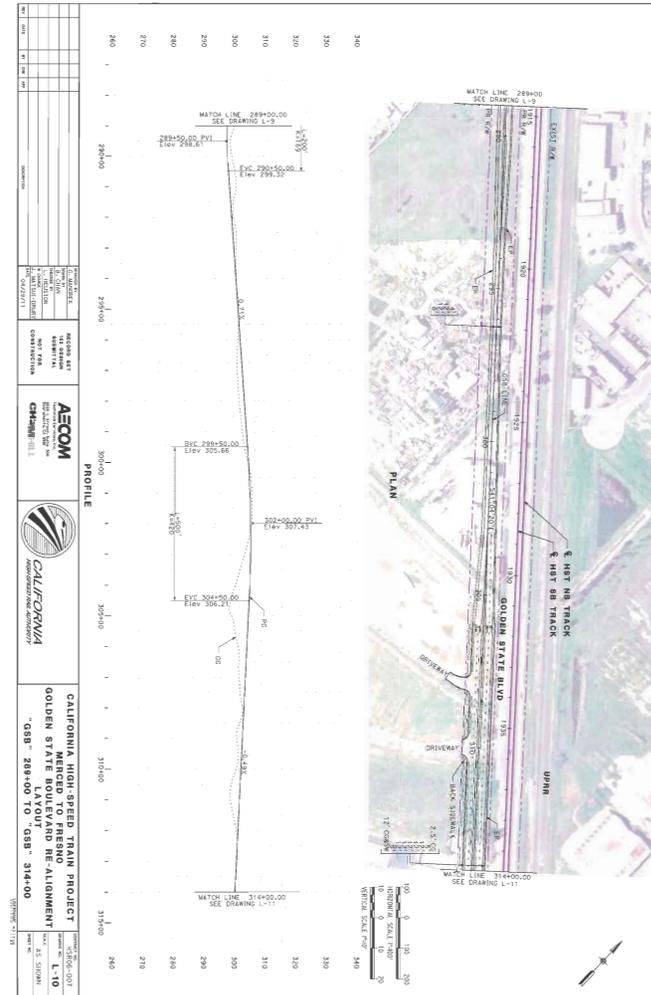


② HERNDON NO. 39

Submission 708 (William (Bill) Stretch, Fresno Irrigation District, October 13, 2011) - Continued

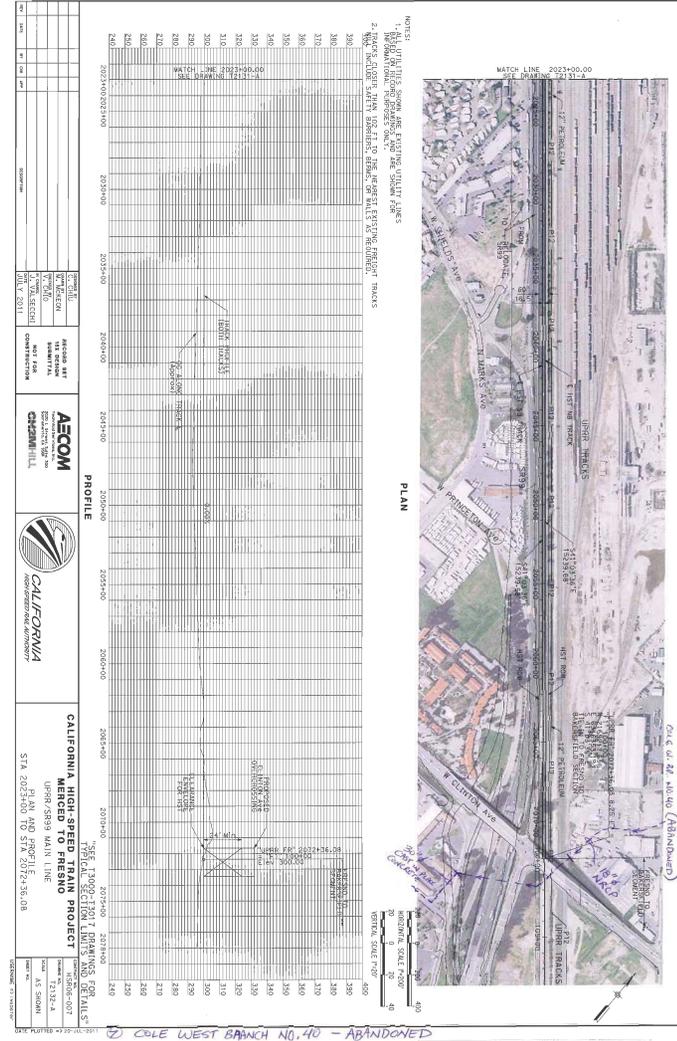


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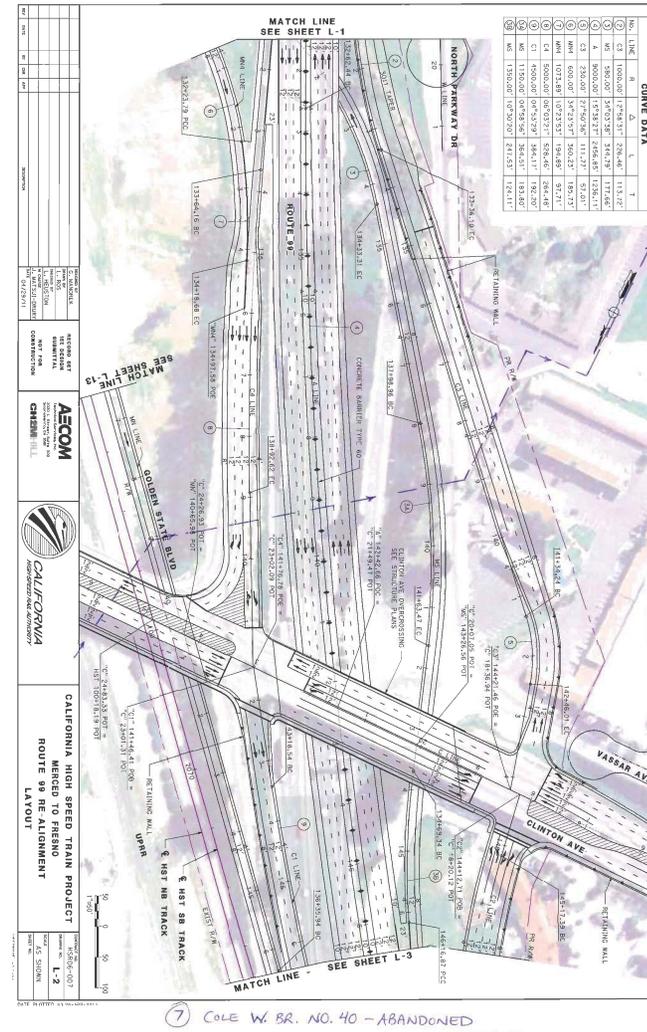
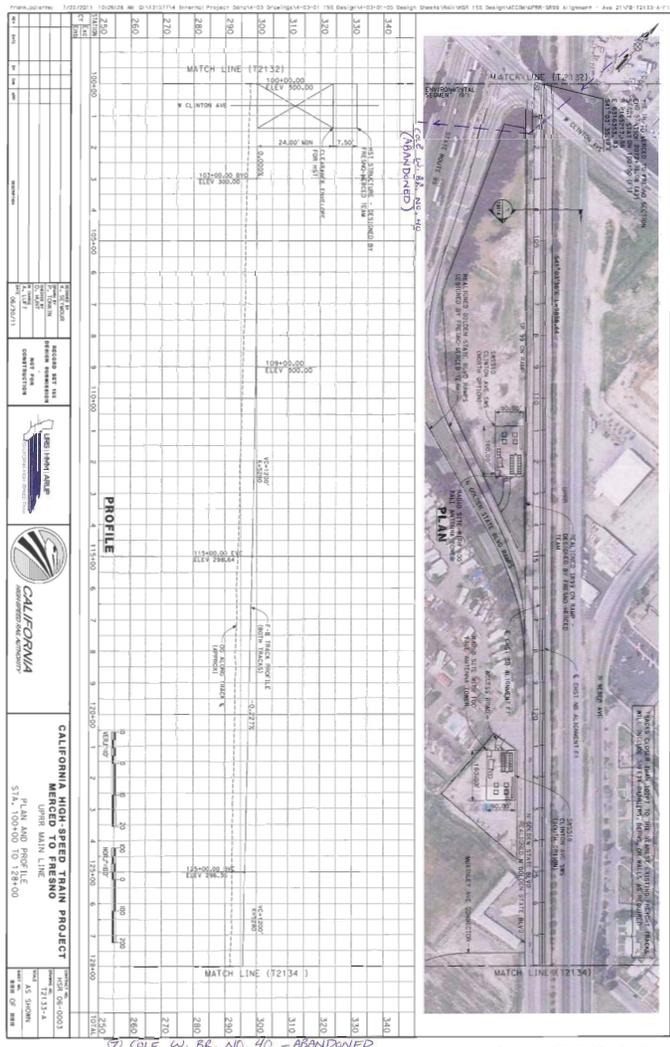


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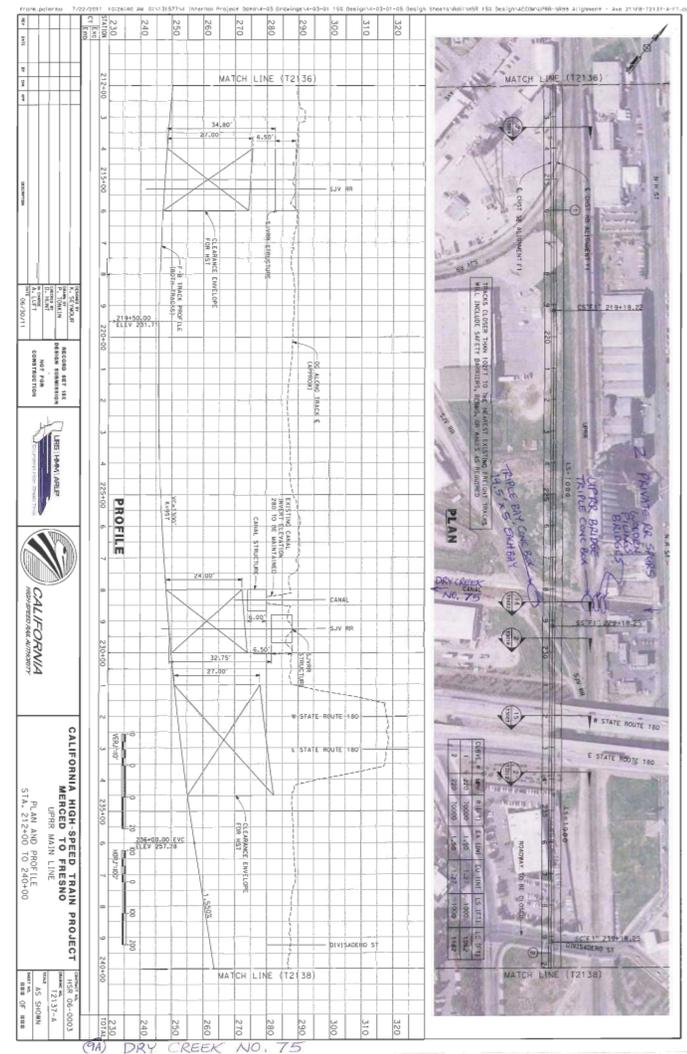
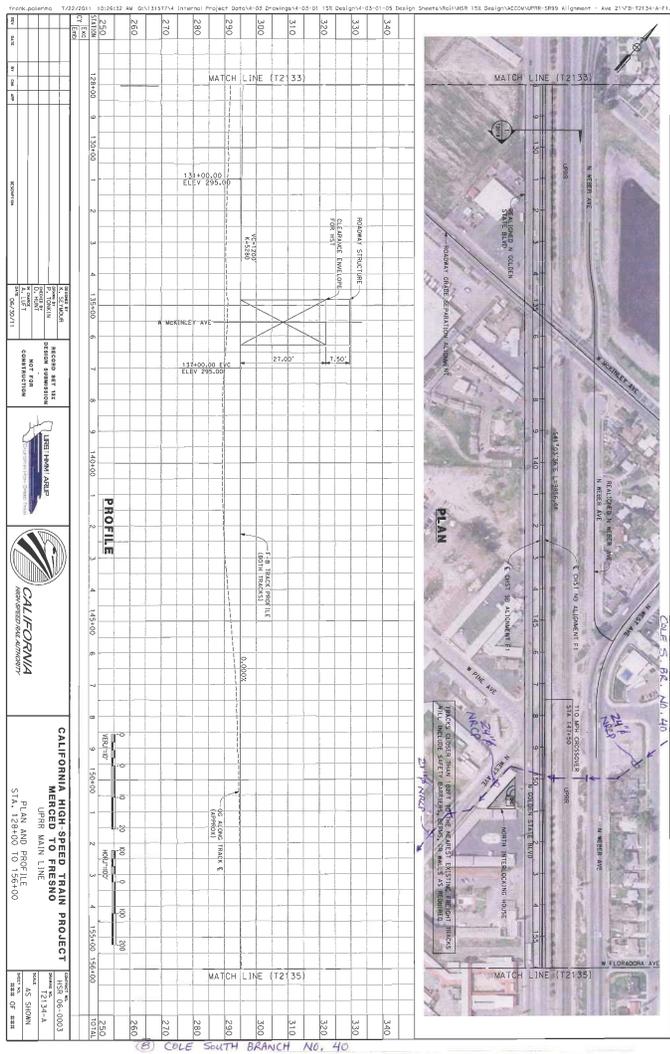
Submission 708 (William (Bill) Stretch, Fresno Irrigation District, October 13, 2011) - Continued



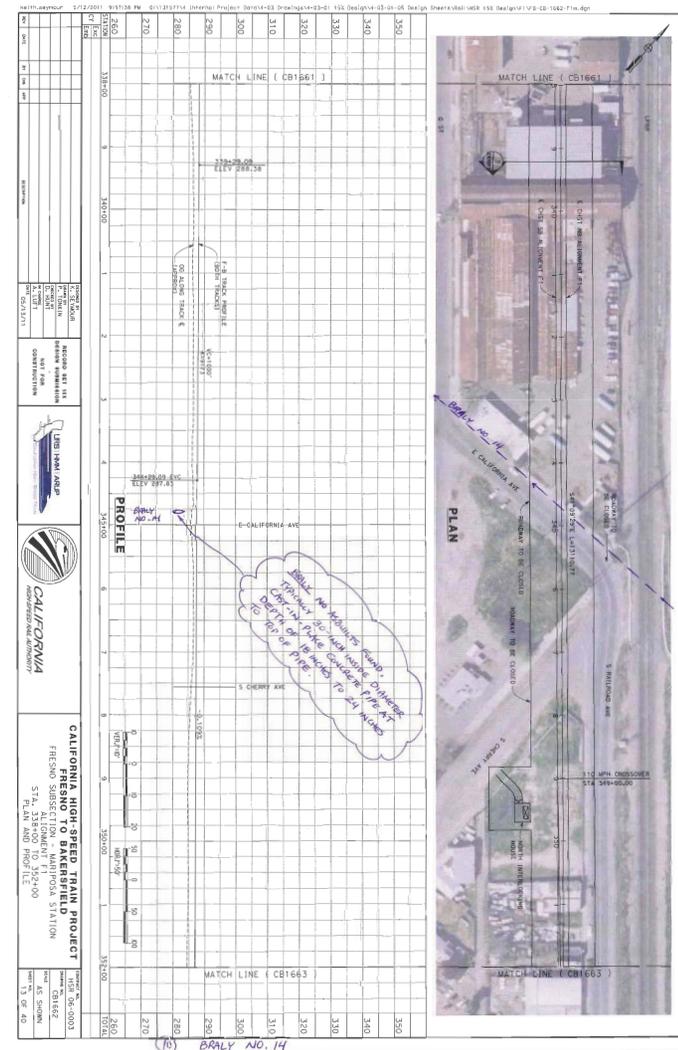
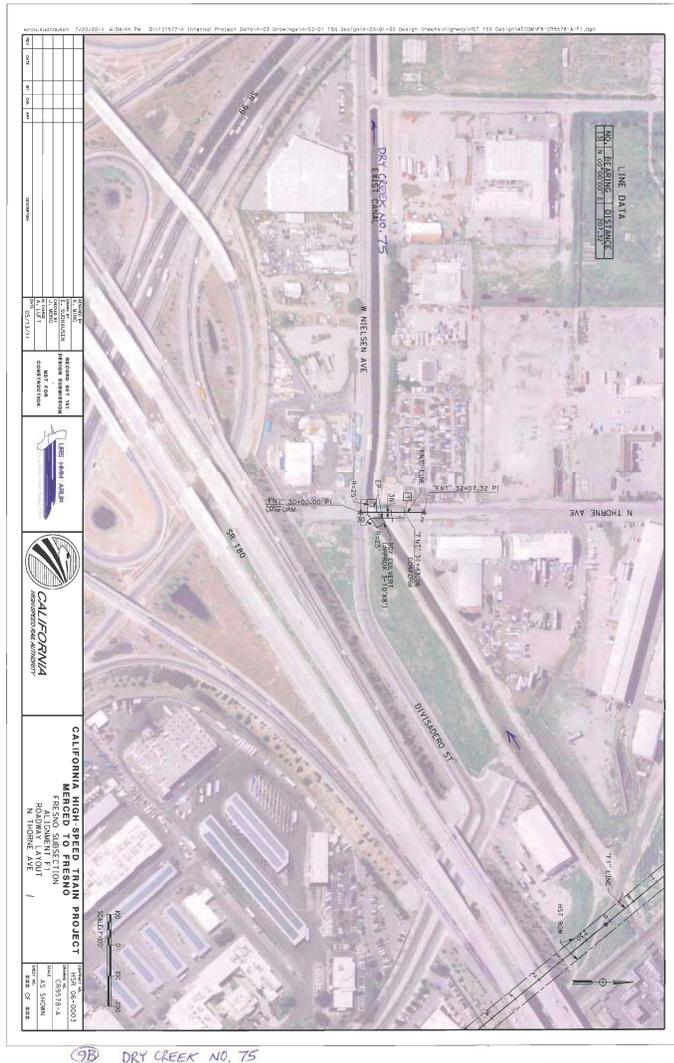
Submission 708 (William (Bill) Stretch, Fresno Irrigation District, October 13, 2011) - Continued



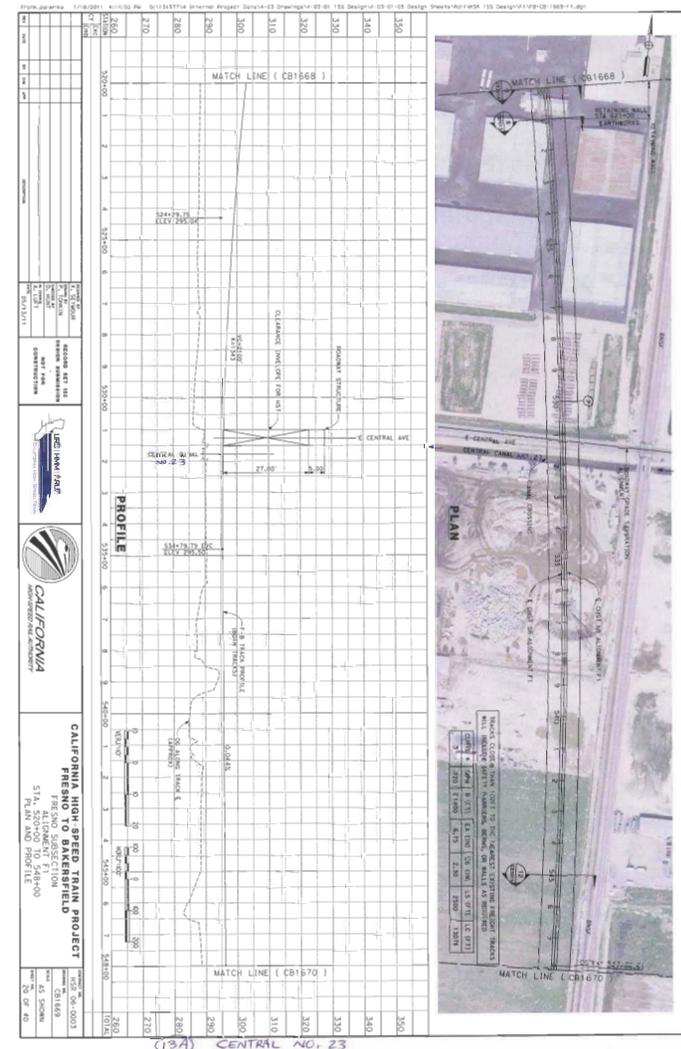
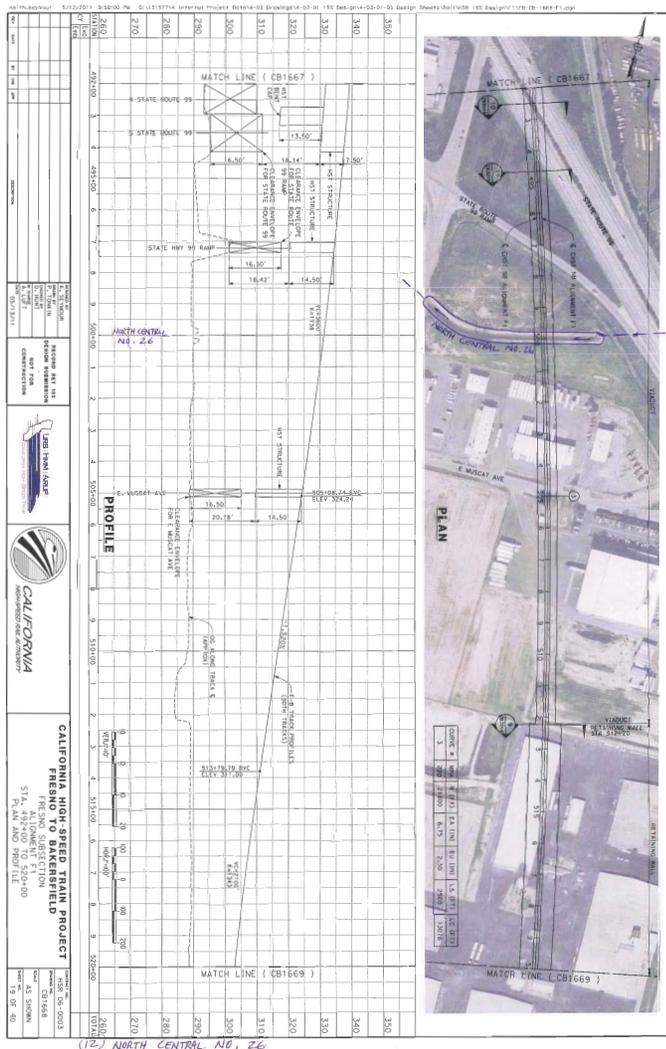
Submission 708 (William (Bill) Stretch, Fresno Irrigation District, October 13, 2011) - Continued



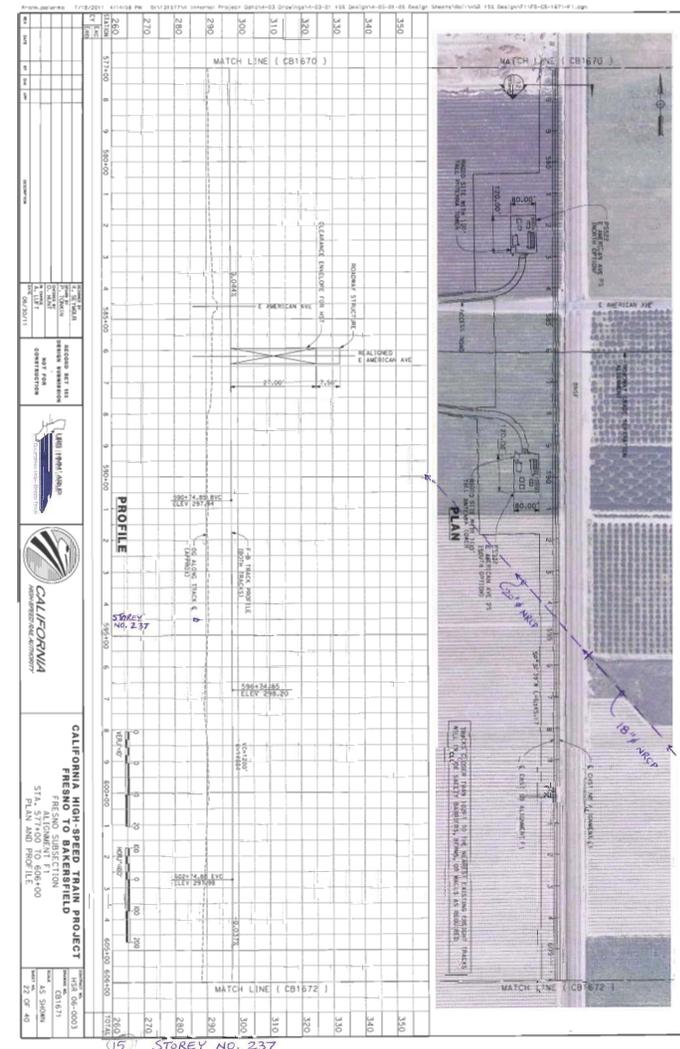
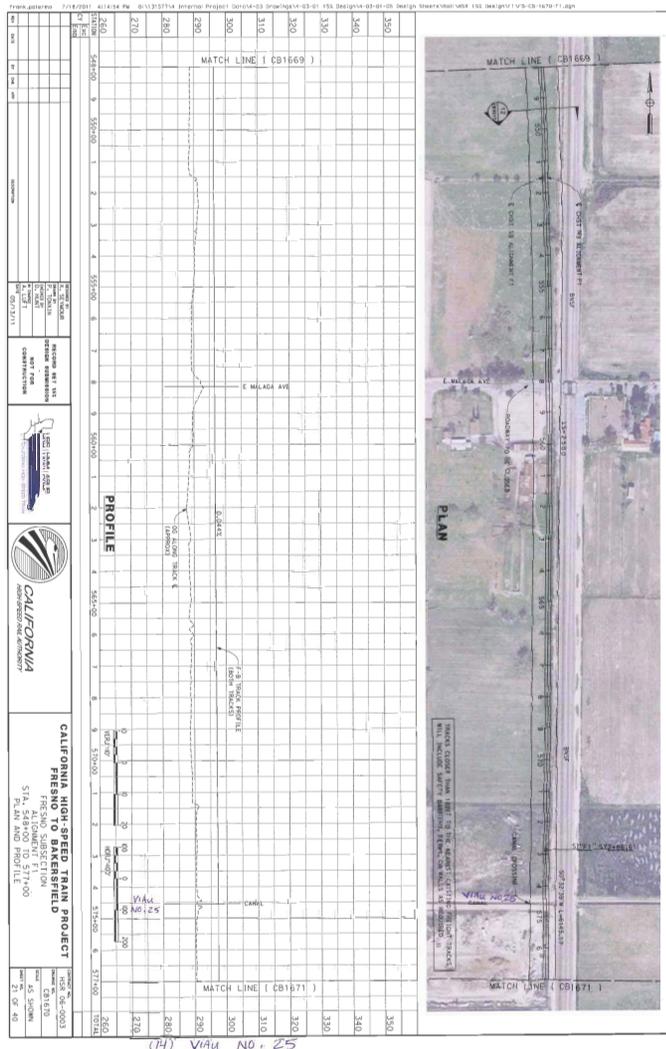
Submission 708 (William (Bill) Stretch, Fresno Irrigation District, October 13, 2011) - Continued



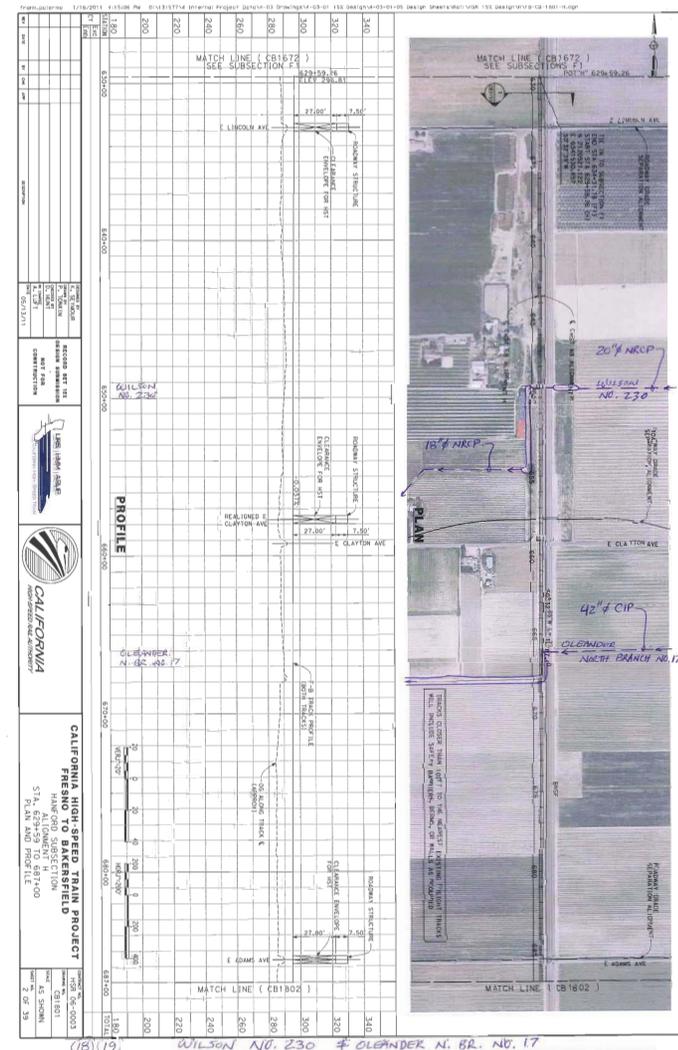
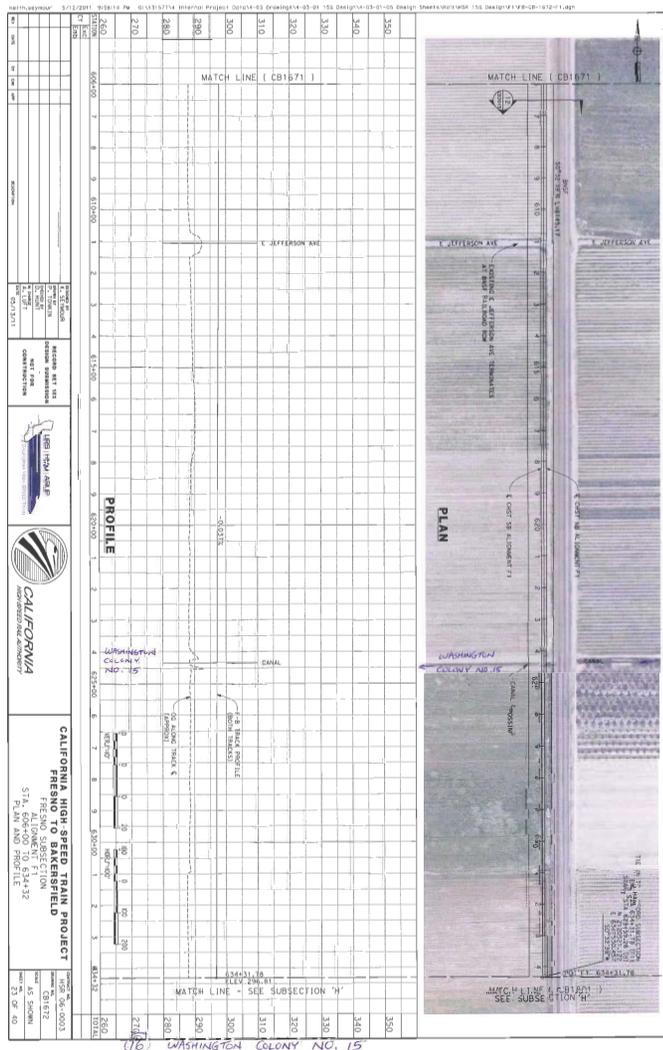
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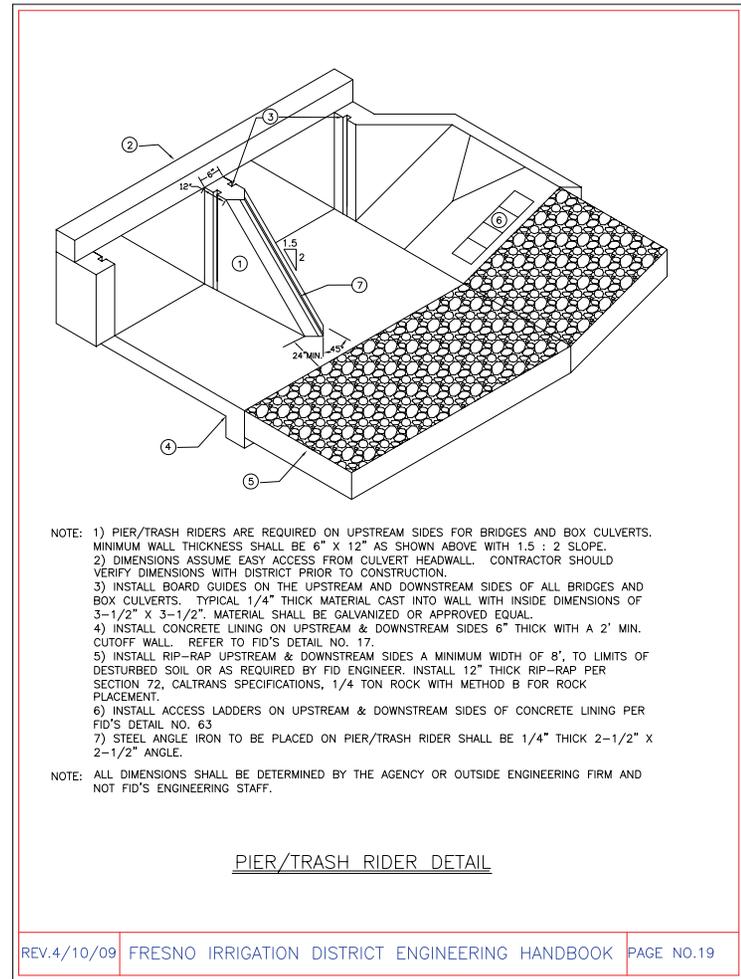
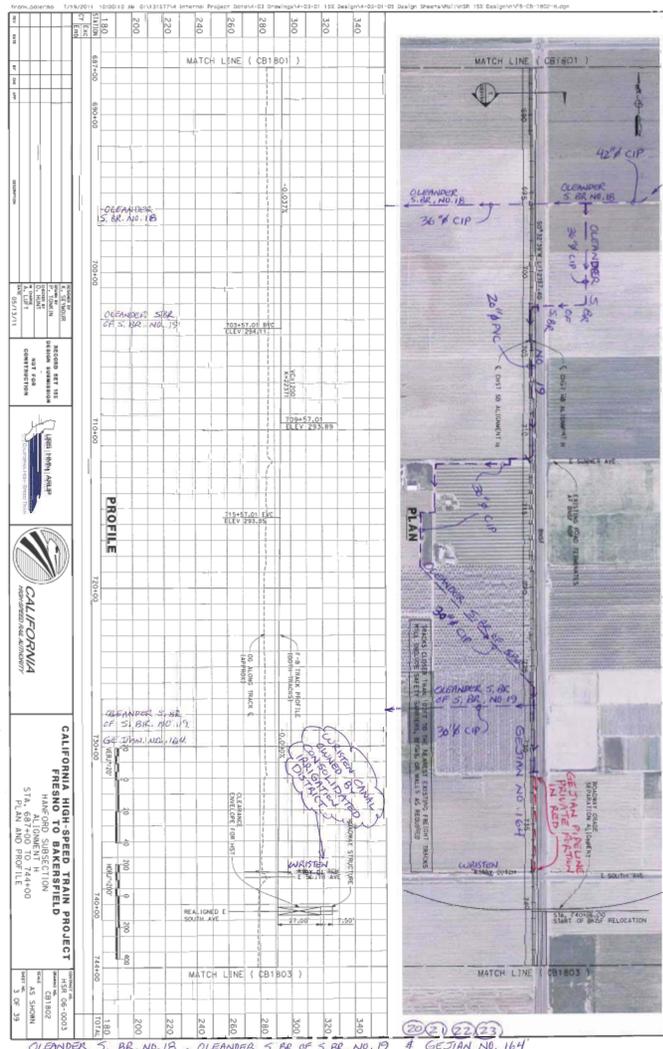
Submission 708 (William (Bill) Stretch, Fresno Irrigation District, October 13, 2011) - Continued



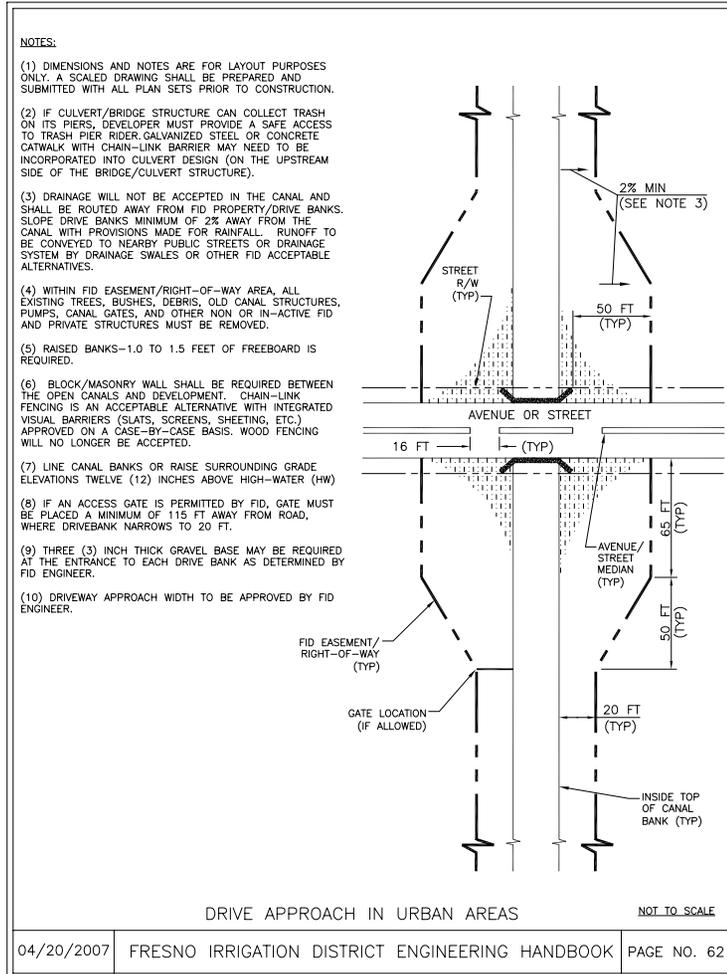
Submission 708 (William (Bill) Stretch, Fresno Irrigation District, October 13, 2011) - Continued



Submission 708 (William (Bill) Stretch, Fresno Irrigation District, October 13, 2011) - Continued



Submission 708 (William (Bill) Stretch, Fresno Irrigation District, October 13, 2011) - Continued



Response to Submission 708 (William (Bill) Stretch, Fresno Irrigation District, October 13, 2011)

708-1

See MF-Response-TRAFFIC-2 and MF-Response-WATER-1. All site-specific information has been shared with the project engineers so that the designers can address utility relocations and retrofits in the HST design plans and cost estimates. Most of this information was already collected as part of early utility investigations and is incorporated into the preliminary (15%) design and Draft EIR/EIS (for example, see Draft EIR/EIS Section 3.6, Public Utilities and Energy).

708-2

See MF-Response-WATER-1.

[CSVN1] All site-specific information has been shared with the project engineers so that the designers can address utility relocations and retrofits in the HST design plans and cost estimates. Most of this information was already collected as part of early utility investigations and is incorporated into the preliminary (15%) design and Draft EIR/EIS (for example, see Draft EIR/EIS Section 3.6, Public Utilities and Energy). Prior to construction, the Authority would positively locate public utilities within the potential impact area. This would be done by probing, potholing, electronic detection, as-built designs, or other means. The Draft EIR/EIS provides complete information on project impacts to the public utilities and energy (refer to Section 3.6.5.3). Additionally, the discussion in subsection Conflicts with Existing Utilities provides information on what the Authority would do to relocate utilities or protect them in place. Project cost estimates include the estimated cost of utility relocations. These costs will be refined as the project design progresses.[CSVN2]

At this time, the Authority (working through the PMT) is meeting with local districts, municipalities, and other entities (e.g., Kinder Morgan) to develop Master Utility Agreements. These MUAs (focusing at this time on the construction phase between Herndon Avenue and the Fresno Station) would define terms and conditions whereby the Authority would work with local agencies to resolve utility conflicts. They will also include funding contributions by the Authority to reimburse costs incurred as a result of the HST project. Individual meetings with Fresno Irrigation District were held on September 12, 2011 and October 27, 2011. As indicated by several of the commenters, the HST alignment could reduce revenues. For example, approximately 800 acres of productive farmland would be removed within the Madera Irrigation District service area

708-2

due to the HST alignment and road relocations, and most of this farmland is served by (and fees paid to) the district. However, changes in district revenues are not impacts to the natural or human environment, and do not need to be analyzed in the EIR/EIS. Any long-term revenue impacts are expected to be addressed in the MUA process.

With regard to Comment #10, the standard cross-section for elevated portions of the HST alignment does not include fencing along the project right-of-way. Fencing would only be used for at-grade sections. There is some potential for change as the project advances through final design (e.g., confirmation of final measures for safety and security). The commenter is correct that there would be no at-grade crossings, and crossings would either be constructed over or under the HST alignment (note that there are no standard provisions for a "block wall"). With regard to the specific canal design issues raised by the commenter, see the above response and MF-Response-WATER-1. These engineering issues are not environmental consequences and will be addressed by the design team, by Master Utility Agreements, and by the Design/Build contractor. With regard to Comment #11, no discharges to FID canals are planned. See additional discussion in the Stormwater Management Plan (one of the engineering reports and an EIR/EIS technical report). Detailed drainage plans have been further developed as part of Construction Package 1A, and will be further refined by the Design/Build contractor.

Submission 704 (Christopher L. Campbell, Fresno City and County Historical Society (Attny for), Baker Manock & Jensen PC, October 13, 2011)

Baker Manock
& Jensen PC
ATTORNEYS AT LAW

October 13, 2011

California High Speed Rail Authority &
Federal Railroad Administration
Merced to Fresno Draft EIR/EIS Comment
770 L Street, Suite 800
Sacramento, CA 95814
merced_fresno@hsr.ca.gov

Re: Comments of Fresno City and County Historical
Society on the Merced to Fresno Draft EIR/EIS

To Whom It May Concern:

I serve as Secretary and General Counsel of the Fresno City and County Historical Society (FHS). I am submitting these comments behalf of FHS in response to the California High-Speed Train ("HST") Project Draft Environmental Impact Report/Environmental Impact Statement ("Draft EIR/EIS") made available for public comment on August 15, 2011. This letter includes comments on historical resources in both the Merced to Fresno and the Fresno to Bakersfield segments of the EIR. We have therefore submitted a duplicate original of this letter for consideration by the teams review segment.

The EIR/EIS includes an inventory of historic resources that the drafters have concluded are eligible for listing on California and/or national registries. FHS asserts that there are additional resources that have local importance that require consideration as well. These comments will discuss various local resources that merit consideration and mitigation measures.

The analysis in the project level EIR/EIS of impacts on specific historical resources is necessarily general because the extent of many impacts and the mitigation of impacts on specific resources can only be handled in the final design phase. Since the EIR/EIS is based on the general location of various alternatives, the precise impacts and mitigation for each historical resource cannot be addressed at this phase. FHS requests that the High Speed Rail Authority ensure that the consultants working on the more detailed design of the route through Fresno work closely with FHS and the City of Fresno Historic Preservation Commission to minimize impacts on historic resources. The most important point FHS can make is that it is essential for those with local knowledge to be involved in the final decisions about how the local historical resources are addressed. We request that this involvement be in the next design phase rather than waiting for the next public circulation of proposed documents for comment.

1020838v1 / 14208.0003

Christopher L. Campbell
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704-1

These comments will address historic resources within the built environment of the City of Fresno from North to South along the Union Pacific Railroad corridor and the transition to the BNSF route south of the Fresno Downtown station.

704-2

Forestiére Underground Gardens

As the EIR/EIS notes, the Underground Gardens are both listed on the NRHP and designated as a California State Landmark. The EIR/EIS notes that the northeast corner of the Gardens is within the footprint of roadway improvements associated with the alignment. It will be essential for final design to ensure that those improvements do not compromise the structural or historical integrity of the Gardens. A preconstruction archeological and structural investigation must be conducted prior to covering any of the site with additional roadway.

704-3

Motel Drive

The businesses along Motel Drive represent the post World War II California automobile culture. While many of those businesses have ceased operation in their original format, a number of iconic buildings, and especially signs, are still in place. We understand that road realignments to accommodate the HSR may result in demolition of some of this area. We believe that the signs and the facades are an important element of Fresno history that should be saved. We recommend that the mitigation program include a method to preserve these signs and facades even if some need to be relocated.

704-4

Roeding Park/Belmont Circle/Belmont Subway and Railroad Bridge/Weber Ave Overcrossing

The EIR/EIS did address impacts on Roeding Park and the Weber Avenue Overcrossing because they were already listed or found eligible for listing in the NRHP. The access on the southeastern corner of Roeding Park is, however, of equal historic significance. The Belmont subway and railroad bridge and the adjacent Belmont Circle were created in 1932 to provide more convenient public access to Roeding Park. These are important local historical resources that deserve more detailed consideration in the EIR/EIS and in final design of the project. While the undercrossing will certainly have to be expanded to accommodate the additional HSR tracks, the design should be sensitive to the historical features. It should retain as much of the historical structure as possible and extend the historical design elements to the expanded undercrossing. Similarly, the Belmont Circle should be reconfigured to the minimum extent and restored to its original design even if its size must be diminished to a small degree. The nearby McCardle Home, located at 417 W. Belmont Avenue, maybe eligible for Fresno's local Register of Historical Places and any redesign of The Belmont Circle should be sensitive to the home's location and setting.

Because Roeding Park is a significant area for quiet recreation including the Zoo, Playland and Storyland, and passive recreation including picnicking and other family and

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Submission 704 (Christopher L. Campbell, Fresno City and County Historical Society (Attny for), Baker Manock & Jensen PC, October 13, 2011) - Continued

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704-4

children's activities, it is essential to minimize sound impacts. The final design needs to ensure that there is adequate sound buffering to allow the quiet and relaxing use of the park to continue undisturbed.

704-5

Downtown HSR Station

The downtown HSR station and the right of way north and south of the station present many historical issues. The most important is the historic Southern Pacific Depot. We understand that the HSR station is planned to be to the west of the SP Depot so that the historical structure will not be compromised. Once again, final design is going to be very important to ensure that and that the historical context of the SP Depot is not compromised.

Chinatown has an extensive underground tunnel system that tells a significant story in local history. Excavation and even vibration from construction or from operation of HSR could damage the tunnel system. Archeological surveys of the construction area need to be performed prior to construction to ensure that none of the tunnels are directly impacted. In addition, the final design needs to ensure that the impacts of vibration are mitigated so that they do not adversely impact the tunnels over time.

The Pacific Coast Seeded Raisin/Del Monte Plant No. 68 is scheduled for demolition. FHS believes that the plant is an important element in the agricultural and architectural history of Fresno. Therefore, FHS asserts that appropriate mitigation needs to be developed prior to any demolition of Plant No. 68.

The proposed Tulare Street overcrossing will have impacts on several historic buildings, including the SP Depot, due to the size and mass of the structure. An undercrossing should be evaluated to determine whether it will be suitable to mitigate the impacts of the overcrossing to less than significant. As discussed above, an archeological survey will be necessary to determine whether there are important underground resources prior to constructing either the overcrossing or the undercrossing for Tulare Street.

In addition, in the warehouse district south of the Downtown Station, it should be noted that there may be built resources that do not technically qualify as historical resources, but contribute significantly to the historic context of the area. Care should be taken to minimize direct impacts to such contributors.

In conclusion, we appreciate the detailed information concerning historical resources that is included in the EIR/EIS. We believe that the appropriate handling of those resources identified in the EIR/EIS and those additional local resources we have discussed in these comments, must be addressed in specific detail in the next phase of designing the project. Because local knowledge is so important in addressing historical resources, we strongly encourage the HSR Authority to include FHS and the City of Fresno Historic Preservation Commission in early discussions about the appropriate way to address each of the historic

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resources that are potentially affected by the HSR and to assist in designing appropriate mitigation measures.

Thank you for your consideration.

Very truly yours,


Christopher L. Campbell
BAKER MANOCK & JENSEN, PC

CLC:tlw

cc: City of Fresno, Historical Preservation Commission

1020838v1 / 14208.0003

Response to Submission 704 (Christopher L. Campbell, Fresno City and County Historical Society (Attny for), Baker Manock & Jensen PC, October 13, 2011)

704-1

See MF-Response-CULTURAL-7. The City of Fresno, representing the Fresno Historical Society, has accepted invitations to be consulting parties on the project.

704-2

See MF-Response-CULTURAL-5.

704-3

See MF-Response-CULTURAL-6. These resources are not eligible, therefore no mitigation measures will be developed.

704-4

MF-Response-CULTURAL-4, MF-Response-CULTURAL-3, and MF-Response-CULTURAL-6.

Specific mitigation measures will be discussed in the Built Environment Treatment Plan (BETP) and the Archaeological Treatment Plan (ATP) and the Final EIR/EIS for any potential adverse effects to National Register of Historic Places (NRHP) listed or eligible historic properties and potential impacts to CEQA historical resources. The potential mitigation measures included in the EIR/EIS will be applied on a case-by-case basis as appropriate for specific resources.

The alternatives evaluation process conducted as part of the HST project for the Merced to Fresno Section concluded that there was no feasible and prudent HST alternative within the study area that would address the project purpose and need without using Section 4(f) property. The reason for this finding is that all HST alternatives were designed to follow existing railroad corridors (to the extent allowed by design speeds), and the Belmont Avenue Subway and Belmont Avenue Circle historic sites are located in the direct path of an existing railroad corridor. Locating the HST alignment along these corridors was an objective of the project intended to minimize impacts on the natural and human environment. Any alternative that did not follow these or other transportation corridors would substantially increase the number of displacements, overall community disruption, adverse impacts on natural environment resources, and adverse social and economic impacts, and could compromise the project in light of the project's purpose and need; therefore, such an alternative would be considered not be

704-4

prudent because such an alternative would involve multiple impact factors which cumulatively cause unique problems or impacts of extraordinary magnitude.

704-5

Avoidance measures were developed to address potential vibration effects, and to avoid, minimize, and mitigate adverse effects to historic properties.

a) While the potential presence of a network of tunnels in the Chinatown region is of concern, the anecdotal evidence that supports their existence has not, at the time of the Draft EIR/EiS circulation, been supported with direct observation of their whereabouts, either through a published archaeological survey or other report presenting physical evidence of their location and integrity. According to a Fresno Bee article (September 2, 2007), a ground penetrating radar (GPR) survey, which was characterized as inconclusive, was conducted by an archaeological team in 2007; however, this report has not been made public or submitted to the relevant cultural resource repositories, such as the South San Joaquin Valley Information Center at CSU Bakersfield.

With respect to continuing investigation to determine the presence or absence of the tunnels within the APE, standard archaeological surface pedestrian surveys would have no utility in an urbanized setting. Given the present uncertainty regarding the tunnels' integrity and whereabouts, it would not be prudent or reasonable at this time to conduct subsurface explorations in an urbanized setting. However, additional research, consultation with the City of Fresno (as described in b) below) and review of any geotechnical evaluations made in advance of construction, including a review of any GPR report on the tunnel investigations, may lead to a better understanding regarding how to determine whether the tunnels exist within the APE, and if so they qualify as historical properties under the National Register of Historic Places or as historic resources under the California Register of Historic Resources, and, if so, determining how to mitigate any impacts caused by the HST project to that resource.

b) The City of Fresno will be consulted about these resources as part of the development of the Section 106 Memorandum of Agreement (MOA) and the Built Environment Treatment Plan (BETP). Because the location and extent of the tunnel features is not currently known, the parties consulting in the preparation of the MOA may stipulate that pre-construction archival research and site visits should be conducted to

Response to Submission 704 (Christopher L. Campbell, Fresno City and County Historical Society (Attny for), Baker Manock & Jensen PC, October 13, 2011) - Continued

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help identify their location and extent within the APE. The MOA may also stipulate that any tunnel features located by the research should be inventoried and evaluated for potential significance prior to construction. Any eligible tunnel features that would be adversely affected by the HST, would then be subject to mitigation treatments stipulated in the MOA and detailed in the BETP.

c) If the tunnels are found to exist within the APE, and are found to qualify as historic properties, as noted at p. 3.17-71 of the Fresno to Bakersfield DEIR/EIS, "...the project will develop avoidance mitigation to ensure that there will be no indirect adverse effects or indirect substantial adverse change to any historic properties (Section 106) or historical resources (CEQA) from noise or vibration caused by construction activities for any of the Fresno to Bakersfield Section alternatives." The same avoidance mitigation will also be developed for areas that overlap with the Merced to Fresno Section.

The DEIR/EIR identified the Pacific Coast Seeded Raisin Co. as a historical resource under CEQA because of its recognition of potential significance at the local level. The DEIR/EIR identified a direct impact to the building because it would be demolished. The DEIR/EIR identified multiple options for mitigation of impacts to historical resources. The specific mitigation for this property will be identified in the MOA and BETP process.

a) The DEIR/EIS identified an indirect adverse effect to the SPRR Depot property in Fresno that would be caused by construction of an overcrossing at Tulare Street. However, an undercrossing option at Tulare Street was also analyzed. The DEIR/EIS concluded the undercrossing option would have no adverse effect to either Section 106 historic properties or CEQA historical resources.

b) With respect to continuing investigation to determine the presence or absence of unknown underground resources within the APE, standard pedestrian archaeological surface surveys would have no utility in an urbanized setting. Subsurface archaeological explorations in an urbanized setting are severely limited by existing infrastructure and surface activity. However, additional research may reveal information pertinent to this concern.

The Memorandum of Agreement developed in collaboration with consulting parties and the SHPO addresses the potential for the project to effect subsurface resources whose integrity and location are currently unknown with respect to the HST vertical limits of

704-5

disturbance. The phased identification process as stipulated in the HST Section 106 Programmatic Agreement provides for additional information to be obtained and additional survey to take place prior to construction at which time efforts to better define the existence and significance of previously unknown, and whether they are in the Area of Potential Effects, can take place.

Comment noted. The DEIR/EIS took into account previous local built environment surveys to ensure that the HST survey included all potential individual resources, as well as districts and potential districts, such as the Warehouse District. Section 3.17 presents the findings of this study and has adequately identified built environment resources for the purposes of Section 106 and CEQA as they pertain to historical resources.

Submission 388 (Henry Perea, Fresno County Board of Supervisors, September 20, 2011)



County of Fresno
BOARD OF SUPERVISORS
SUPERVISOR HENRY PEREA – DISTRICT THREE

September 20, 2011

California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Subject: Draft Environmental Impact Report/Statement for Fresno to Bakersfield Section of the Proposed High Speed Rail Project Summary Comments, by Henry Perea, Supervisor 3d District, for Fresno County Board of Supervisors.

The Fresno County Board of Supervisors would like to thank the Authority for this opportunity to comment on the Draft Environmental Impact Report and Environmental Impact Statement for the High Speed Train Project. Fresno County is a staunch and long-term supporter of High Speed Rail and recognizes its vital role in 21st century mobility for all Californians. We have worked with the Authority and its staff since High Speed Rail was first conceived, and throughout the project development phases to insure that the high speed train will be located, built and operate to best serve the needs of all Californians, including those in the San Joaquin Valley, with least disruption to hosting communities.

We would also like to compliment the Authority on completing the extensive environmental studies and analysis in a very compressed time frame and still meeting the commitment to work closely with local agencies, landowners, and interest groups to resolve the many complex issues that naturally arise with a project of this magnitude. Fresno County representatives have worked closely with your Authority's staff and consultants and appreciate their availability and willingness to share information and work through design details as this project approaches construction.

Fresno County has considered the draft environmental documents and related studies and on the whole we believe that the documents provide a sound evaluation of the project and its impacts, and provide a solid basis for justification of the project and proceeding to the next design and implementation phases. Our staff has prepared detailed comments which we hope will help the Authority with project implementation as you begin final design and pre-construction activities. Submittal of those technical comments, which are being transmitted under separate cover, was approved today by our Board of Supervisors. I would like to just summarize some of the overarching themes of those comments here today.

388-1

First I would like to reiterate our continuing support for the Burlington-Northern/Santa Fe Alignment Alternative as reflected in the draft environmental documents. This alignment best serves the need of the high speed rail system and protects our mutual interests in minimizing loss of our best farmland. We appreciate the efforts that the Authority has undertaken to reduce impacts to our valuable agricultural lands. We understand that an infrastructure project of this scope will unfortunately have some locally disruptive effects

on individual property owners but believe that the Authority has reasonably balanced costs, design and constructability issues, and disruption to farms, communities, businesses, and transportation networks.

Our staff has been working with Authority staff and consultants on the closures and grade separation plan required to insure a continued robust transportation grid in Fresno County. Our comments include suggestions for additional closure rather than grade separation on two minor low-volume roads, [Clayton & Springfield] which will save the Authority millions of dollars in construction costs. Additionally our recommendations on the alignments of grade separation will improve safety, further reduce impacts to farmland, and result in additional savings for both the Authority and Fresno County in both the short and long term.

We especially appreciate your Authority's efforts to outreach and understand the concerns of local agricultural interests, and with your partnership with the City of Fresno on their community needs and reconsideration of the elevated and at-grade options.

In closing I want to assure the Authority that Fresno County remains committed to partner with the State in bringing high speed rail to the San Joaquin Valley. We are looking forward to working with the Authority and its representatives throughout the construction and initiation periods. We are very excited to be part of this historic undertaking which will start with the first construction segment right here in Fresno County and offer our assistance if we can in any way help the Authority in making High Speed Rail a reality for California.

Respectfully,

Henry Perea
District 3
Fresno County Board of Supervisors

Response to Submission 388 (Henry Perea, Fresno County Board of Supervisors, September 20, 2011)

388-1

See MF-Response-GENERAL-10.

Submission 771 (Jerry Lakeman, Fresno Metropolitan Flood Control District, October 13, 2011)



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

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California High Speed Rail Authority
October 12, 2011
Page 2 of 10

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October 12, 2011

California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Dear Sir/Madam,

**FMFCD Comments and Conditions for
Notice of Environmental Impact Report (EIR)
for the High Speed Train Project (HST)
Draft EIR/Statement: Merced to Fresno**

The Fresno Metropolitan Flood Control District (FMFCD) has completed its review of the portion of the Merced to Fresno Section of the California High Speed Train Environmental Impact Report/Environmental Impact Statement with respect to the portion of the project within the FMFCD. The following are comments on the report and/or information useful to the High Speed Rail Authority (HSRA).

Drainage Fees

FMFCD bears responsibility for stormwater management within the Fresno-Clovis metropolitan area, including the area of the subject project. The community has developed and adopted a Storm Drainage and Flood Control Master Plan (Master Plan). Within the metropolitan area, storm runoff produced by land development is to be controlled through a system of pipelines and storm drainage retention basins. The subject project lies within several individual drainage areas of the locally adopted Master Plan.

Each property owner (or project) is required to contribute its pro-rata share to the cost of the public drainage system related to the benefits of a drainage system to their property. It is this form of participation in the cost and/or construction of the drainage system that mitigates the impact of development. The High Speed Train (HST) must pay drainage fees consistent with the Drainage Fee Ordinance in order to mitigate the drainage impact of the project. These fees will be placed in the drainage area trust account for the purposes of constructing the planned drainage facilities and/or reimbursing the FMFCD for historical fund advances for drainage improvements. Such fee payment must be included as a provision in an agreement between FMFCD and the HSRA. Payment will be required at the rates in effect at the time of approval of construction and/or as provided in the agreement. The agreement will also identify provisions for the HST to obtain drainage services from FMFCD systems (the majority, if not all, of the reach through FMFCD area). Please refer to attached Exhibit "A" for preliminary drainage fees listed by drainage area.

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5469 E. OLIVE • FRESNO, CA 93727 • (559) 456-3292 • FAX (559) 456-3194

Drainage Patterns

The HST improvements generally will produce the percentage of stormwater runoff at or near those reflected in the Master Plan. The Master Plan will continue to be reviewed for possible amendments or modifications of existing facilities to accommodate certain HST proposals. The FMFCD will require that the HST coordinate drainage from frequent storms (2-year Master Plan design) into the planned drainage system with certain mitigation identified herein. HST must also consider mitigating impacts from major storms (those that overwhelm the Master Plan design). Generally, FMFCD will manage the disposal of stormwater within the project area although the HST may need to provide some attenuation storage as specific locations wherein the HST needs additional flood protection and/or is adding water to certain FMFCD systems differently than planned.

HST alignment shall be designed to maintain the passage of the major storm surface flow patterns. To accomplish this, HST must analyze the impacts the project will have on surface drainage from major storms. HST must identify where surface flows from major storms currently cross the area proposed for the HST and if the HST will have any adverse impact on these flows. Adverse impacts to be avoided are i) elevating upstream flood pools thus creating new areas of property inundation, ii) blockage or change of historical drainage patterns and in those locations where changes are made there must be full mitigation of any adverse effects, iii) the analysis should determine if HST itself will cause any unacceptable diversion of major storm surface flow and iv) verification HST rail lines will not be flooded. FMFCD and HST need to determine if the major storm surface flowage area will be protected by the dedication of easements to FMFCD. As HST is locating near the Union Pacific Railroad (UPRR) and generally above its rails, most of the HST project length is not problematic. FMFCD will work to assist HST engineering consultants to identify the appropriate improvements at locations that may be identified as the Project design progresses. Some of these locations are addressed in the following paragraph.

The HST proposes to close several existing street crossings. As such, surface drainage patterns must be carefully reviewed and drainage patterns maintained with a series of cross drains or other approved conveyance systems, including provisions for any major storm flows across the HST. The change in street improvements in the vicinity of the HST must be similarly mitigated with respect to drainage impacts. To assist HST, FMFCD has identified the following roadways from Clinton Avenue north, where major storm surface flows must cross the HST alignment: Veteran's Boulevard, Cornelia Avenue, and Golden State Boulevard. Please refer to Table 1 in Exhibit "B" and the diagrams in Exhibit "B" that show a Red Arrow as the Major Storm flow path.

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Drainage Service

The FMFCD has identified locations for the availability of storm drainage service. A summary of Drainage Guidance is provided in Table 1 of Exhibit "C" and the diagrams in Exhibit "C" reflect the existing FMFCD Master Plan.

In order to mitigate the impact of the HST storm drainage runoff with respect to frequent storms (FMFCD standard 2-year event), HST must relocate or construct drainage facilities within the FMFCD boundary effected by the HST alignment. This mitigation will be accomplished by conforming to the Master Plan that identifies specific segments of the HST right-of-way and the locations for drainage discharge.

Drainage from the HST will need to be directed to the appropriate drainage system and its associated conveyance facilities. It is recommended that the HST builder/contractor contact FMFCD as early as possible to coordinate the locations of proposed connections to or the relocation of existing drainage facilities. Where HST proposes direct connections to the FMFCD system, discharge rates will be limited to the capacity available based upon the area anticipated in the Master Plan for the HST right-of-way. The discharge capacity will be limited to the peak flow rate of a 2-year return frequency storm, but attenuated discharge rates may continue with the total volume not limited. HST shall construct their own facilities (on-site basins or pipelines) to mitigate and temporarily detain any stormwater volume generated above the approved discharge rates identified by FMFCD to meet HST drainage criteria.

For the portions of the HST that are depressed, FMFCD will determine the maximum allowable discharge rate (cfs) to the existing FMFCD collection system and provide that information to the HST hydrology group or the HST builder/contractor for their use in the design of pump and HST detention basin systems. These connection locations can be further addressed during the design and construct phase of the HST route. The HST builder/contractors will need to maintain contact with FMFCD to insure the proper connections and conveyance to FMFCD stormwater collection system.

FMFCD recommends attenuation of peak flows in surface ponds when needed. It is further suggested the ponds be as consolidated as much as possible to lessen the initial expense of dewatering pumps and related power supply needs as well as the long-term future maintenance and dewatering efforts. As an alternative to the ponds, in some instances the HST may desire to increase the size of proposed FMFCD storm drainage pipelines and/or construct parallel storm drainage specifically for HST needs to an FMFCD stormwater management basin. Increasing the diameter of planned facilities could convey any increased flow generated by the HST and this option should be considered in the design of the stormwater conveyance system. The cost for such revisions to the Master Plan would be borne by the HST and not be eligible for fee credit.

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The HST alignment traverses some areas of "no-service" to FMFCD. These are areas of Caltrans right-of-way wherein that agency is responsible for drainage facilities. However, FMFCD will consider proposals from HST to convey stormwater from these areas to FMFCD, pay drainage fees for the area, and obtain drainage service. Otherwise, HST must provide their own drainage service.

For those portions of the southerly down gradient viaduct near Herndon Avenue, stormwater should be collected by HST within its right-of-way and not discharged until reaching Basin "EH". The discharge from this area shall be directly into Basin "EH" with a new drainage pipeline and outfall.

Relocation/Protection of Existing Pipe Facilities

The HST will cross numerous existing storm drainage pipeline facilities at the approximate locations listed in Table 2 of Exhibit "B" (Clinton Avenue to the San Joaquin River) and also shown on the diagrams in Exhibit "B" (attached hereto). Several specific locations are more fully described below.

- 1) Golden State Boulevard south of Herndon Avenue – 24-inch diameter pipeline may require relocation in new alignment.
- 2) Pipelines into Basin "EH" near Golden State Boulevard Re-Alignment, Station 133+86 54" and Station 138+50 36"; the existing outfall structures, fencing and basin improvements, along with several pipelines must be relocated.
- 3) Herndon Canal Crossing, 24-inch diameter pipe near Station 233+00 must be relocated and configured to conform to new drainage patterns.
- 4) Golden State Boulevard/Santa Ana Avenue – 42" crossing near Station 286+07 must be protected.
- 5) Golden State Boulevard north of Ashlan Avenue – Station 322+00 - 24-inch diameter pipeline must be relocated to a new alignment.
- 6) Parkway Drive south of Ashlan Avenue –24-inch pipeline in Parkway Drive must be relocated if Highway 99 is relocated westerly. The pipeline beneath Highway 99 must also be protected.

The storm drainage facility crossings identified in Table 2, Page 2 of Exhibit "B" are not designed to withstand the loading that may be presented by HST. These facilities must be replaced and/or protected to standards adequate for the HST and FMFCD. HST must provide rights to FMFCD sufficient to operate and maintain the facilities within the HST right-of-way.

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Any relocation of FMFCD storm drainage pipeline facilities outside of public street right-of-way must be relocated within a separately dedicated FMFCD storm drainage easement of sufficient width such that future access and maintenance to the storm drainage facilities are effectively provided.

HST must bear the cost of all impacts to the existing FMFCD facilities, including the cost for all relocations and reimbursement of all FMFCD expenses, to include any FMFCD staff time for reviewing the relocation of existing facilities and/or revising the Master Plan to accommodate HST. HST shall enter into an agreement with FMFCD to formalize such reimbursement of costs.

FMFCD's Master Plan must be reviewed for possible amendment or modification to the extent HST relocates existing facilities to accommodate the proposed HST. FMFCD will assist HST to achieve adoption of such modifications.

Basins

The proposed HST alignment (Merced to Fresno) has a direct impact on FMFCD Basin "EH" (south of Herndon Avenue and west of Golden State Boulevard). All impacts to this basin must be mitigated, including the replacement of land and storage capacity in a manner acceptable to FMFCD.

Currently the proposed HST is projected to proceed through the existing Basin "EH" but at an elevated section as it proceeds over the 99 Freeway. The relocation of Golden State Boulevard will separate the rail property and the relocated or redesigned FMFCD Basin "EH" property. FMFCD would recommend the relocation of Golden State further to the south east provided clearance can be maintained with the HST profile. This movement would decrease the fill requirements for a road way within the existing Basin "EH" envelope. The impacts to Basin "EH" will need to be mitigated to the pre-project condition at a minimum. HST should be aware that this basin does have some unique features that will need to be addressed for mitigation: among these are existing power transmission lines with poles located within the basin floor area and power to an advertising billboard on the Freeway 99 frontage that may need relocation or removal for any proposed redesign of the basin.

Any new storm water runoff flows that will be contributing to this location will need to be included in the modifications for remediation of said the additional storm flows from the HST track sections. For the southerly down gradient of the rail viaduct near Herndon Avenue these storm flows should be collected by HST on its right-of-way and not discharged until reaching FMFCD Basin "EH".

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HST shall construct the permanent Golden State Boulevard street improvements along FMFCD Basin "EH" to, City of Fresno, Public Works Standards. The eligible cost for street improvements which includes, sidewalk, mow strip, curb, gutter, street lights and eighteen (18) feet of permanent pavement will be based on the currently approved basin design. HST must bear the cost of any increased frontage length without drainage fee credit.

FMFCD recommends a single fence between the HST and FMFCD's Basin "EH" (south of Herndon Avenue and west of Golden State Boulevard). The HST should contact FMFCD so that the specifications for the single fence and maintenance arrangements can be made, as a fence other than the existing chain link fence must be reviewed and approved by FMFCD. FMFCD requests that the grading Engineer contact FMFCD as early as possible to review the proposed site grading for the affected basin for verification and acceptance of grades at the mutual property line prior to preparing a grading plan.

Proposed Facilities to be Constructed

Development of the HST will require the construction of facilities planned by the Master Plan and lying within or across the HST right-of-way. Construction of these facilities must precede construction of the HST. HST shall also construct all proposed FMFCD storm drainage pipelines that may be located within any new or reconstructed local streets as shown on the diagrams in Exhibit "B" and listed within Table 1 of Exhibit "B".

The cost of construction of Master Plan facilities, excluding dedication of storm drainage easements and also excluding the cost of relocations, is eligible for credit against the drainage fee of the drainage area served by the facilities. An Agreement shall be executed with FMFCD to affect such credit. The extra cost for re-routing of proposed facilities whether constructed with the HST or in the future must be borne by the HST without drainage fee credit. Reimbursement provisions, in accordance with the Drainage Fee Ordinance, will be included to the extent that HST's costs for proposed Master Plan facilities for an individual drainage area exceed the fee of said area. Should the facilities cost for such individual area total less than the fee of said area, the difference shall be paid upon demand to FMFCD.

HST has a land use density at or near that reflected in the original Master Plan. FMFCD recognizes that for those portions of storm drainage pipe that have not been constructed and can be revised in size to convey the increased flow generated by the HST, it may be an option to increase the capacity for the stormwater conveyance system. The cost for such revisions to the storm drainage Master Plan would be borne by the HST and not be eligible fee credit from FMFCD. HST must also bear the cost to obtain UPRR licenses or easements for all new crossing of UPRR right-of-way.

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HST shall obtain or have dedicated to FMFCD a minimum twenty-foot (20') wide storm drain easement whenever storm drain facilities are located on private property. No encroachments into the easement will be permitted including, but not limited to foundations, roof overhangs, swimming pools, and trees. During the design/build phase of the HST, if an easement location for the storm drainage system is realigned to accommodate future development, the HST shall be required to grade the property such that the drainage from the property will reach inlets on the alternate pipeline alignment. HST shall also accept and pay any additional costs for the construction of additional storm drain facilities that may be required for a realignment. All proposed storm drain alignments must be reviewed and approved by FMFCD prior to implementation.

FMFCD will need to review and approve all HST storm drainage and other improvement plans for all conveyance facilities to insure compliance with the FMFCD Master Plan (i.e. grading, street improvement and storm drain) prior to implementation. Where HST proposes direct connections to the FMFCD system, discharge rates will be limited to the capacity available in the FMFCD system anticipated by the HST right-of-way area. FMFCD facilities are designed with capacity for a 2-year return frequency storm, but the volume is not limited. A Non-Conforming Facilities fee will be assessed for any lengthening of storm drain and on any non-Master Plan connection to the FMFCD storm drainage system in accordance with FMFCD policy. The current fee for a connection is \$180.00 per connection. All connected inlets are charged per inlet at the rate of \$35.00 per inlet for pipe sizes greater than 12-inches in diameter. If there will be storm drainage pipeline extensions that FMFCD will own, operate and maintain, a maintenance fee of \$6.50 per lineal foot of pipe will also be assessed.

The Herndon Canal is owned by the Fresno Irrigation District (FID). HST has proposed construction or modification of the Herndon Canal at its crossing. FMFCD coordinates with FID to route flood waters through the Herndon Canal. No adverse impact to the flow capacity of the canal will be permitted. In addition to FID's primary approval, any modification shall be reviewed for FMFCD approval prior to implementation by HST.

The portion of Freeway 99 relocation, between Ashlan and Clinton alignments, will revise the current drainage patterns to the west of the relocated portion of Freeway 99. Any proposed connections to FMFCD Master Plan facilities or revision to existing drainage facilities will need to be reviewed and approved for compliance to FMFCD standards prior to implementation of the design.

Fill Material and Source of Materials

FMFCD has approximately 17,800,982 cubic yards of commercially exportable fill material available for the HST or other projects in the Fresno/Clovis area. The location of the fill material is shown in Exhibit "D". All locations are compliant with the CEQA as part of FMFCD's 2004 District Services Plan Master Environmental Impact Report. Currently, the permit fee for the export of material is \$0.60 per cubic yard. FMFCD encourages HST to export this fill material

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for HST construction. As the basin is excavated by the development community, the excavation contractors are required to grade the basin site. Not only do these sites satisfy HST commitment to commercially available sites, use of these sites eliminates duplication of export borrow sites, keeps more land on the tax rolls by not consuming property that is otherwise usable, conforms to General Plans, accelerates development of public facilities, and allows the multiple use programs of FMFCD to be implemented (stormwater management, flood control, groundwater recharge, open space and recreational uses).

Both FMFCD and the local tax payers benefit from the reduced cost of the construction of the basins by using the fill material locally, removing most, if not all costs of excavation of the basin from the drainage fee schedules. The local development community also benefit from having an inexpensive and locally available fill material for construction. If HST uses fill material from FMFCD basin sites the community of Fresno Metropolitan Area would benefit from reduced cost in the excavation and development of the basin sites, and the reduced costs of the fill material and transportation of the fill material that the HST would be using to construct the rail.

FMFCD encourages HST to use these commercially available fill sites for borrow material from FMFCD when constructing with the Fresno area. In addition to the multiple community benefits, reduced transportation needed, reduced cost associated with the fill material, the excavation of basins could potentially improve stormwater capacity that would directly and positively affect the HST and the neighboring community. HST contractors must contact FMFCD to make the proper arrangements, including execution of the excavation permits and payment of fees.

Stormwater Quality

Outside FMFCD Boundary

Those elements of the HST system that lie outside of the National Pollution Discharge Elimination Permit System (NPDES) Boundary of a Municipal Separate Storm Sewer System (MS4) must be designed to meet the "Post-Construction Standards" specified in Section XIII of the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ.

Section XIII, in general terms, requires that projects outside the MS4 boundary be designed such that post-project stormwater runoff generated by a site is equal to or less than pre-project runoff. This requirement does not apply to projects inside the MS4 boundary (e.g. the FMFCD boundary). Please be aware of the requirement as it applies along the rail route immediately north and south of the FMFCD NPDES Permit boundary.

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Within FMFCD Boundary

The FMFCD boundary extends the length of the HST from the San Joaquin River to American Avenue. Within those limits, the HST is subject to the requirements applicable to the local MS4 stormwater permit, a joint municipal stormwater permit that includes the FMFCD and the City of Fresno as well as other local agencies. Projects within those limits benefit from the permit and the extensive stormwater management facilities constructed throughout the community. The stormwater management requirements related to construction and operation of the HST are further explained below. FMFCD Environmental Resources staff are available for assistance to the HSRA and its consultants for more detailed information as needed.

Construction Phase

National Pollutant Discharge Elimination System (NPDES) Compliance

Construction of all rail facilities and associated structures is subject to the requirements of the California State Water Resources Control Board, National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction Activity (hereinafter, "Construction General Permit").

In accordance with California Regional Water Quality Control Board Order No. 5-01-048 it is the joint responsibility of the FMFCD and the City of Fresno to ensure compliance with the requirements of the Construction General Permit. The FMFCD leads a multi-agency program of inspection, enforcement and monitoring designed to ensure that all construction projects larger than one acre achieve and maintain compliance with the Construction General Permit.

FMFCD and City of Fresno management and field inspectors will provide compliance site inspections and work with the HSRA and its contractors from the earliest stages of construction (e.g. demolition and land-clearing) through final paving and landscaping to ensure compliance with both the administrative and site-level requirements of the Construction General Permit.

In addition to the requirements of the Construction General Permit, the Project is subject to FMFCD Ordinance 96-1, "Urban Storm Water Quality Management and Discharge Control", hereinafter "Ordinance 96-1". Compliance with Ordinance 96-1 requires that contractors implement the measures included in the FMFCD's "Fresno-Clovis Storm Water Quality Management Program Construction Site Storm Water Quality Management Guidelines". These guidelines are currently undergoing revision and will be reissued in late 2011.

FMFCD staff will be available to coordinate on the content of the HSRA's contracts with respect to formulating contract provisions aimed at ensuring compliance with both State and local regulation pertaining to stormwater pollution prevention.

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Within the FMFCD boundary the HST must comply with the Master Dust Control Plan for Compliance with San Joaquin Valley Air Pollution Control District Regulation VII, Fugitive Dust Control. Excavation and transport of construction fill in the Fresno region will be subject to requirements of the San Joaquin Valley Air Pollution Control District Regulation VIII, Fugitive Dust Control. Regulation VIII imposes site and vehicle controls and reporting requirements on owners of fill-producing sites, excavators and transporters of fill, and on projects accepting construction fill.

FMFCD's basin excavation program operates under a Master Dust Control Plan that covers all of our facilities slated for production of construction fill. The FMFCD's Master Dust Control Plan includes uniform and simplified reporting, excavation and transport protocols designed to facilitate contractor compliance with the demands of Regulation VIII.

Operational Phase

California Regional Water Quality Control Board Order No. 5-01-048 establishes the collectively implemented *Municipal General Permit* for FMFCD, the City of Fresno, City of Clovis, Fresno County and CSU Fresno. To assist in fulfilling its responsibilities under the Municipal General Permit, the FMFCD adopted Ordinance 96-1, "Urban Storm Water Quality Management and Discharge Control". The HST segment running through FMFCD's NPDES boundary will be subject to the requirements of the Municipal Permit and Ordinance 96-1 for the life of the project.

In general terms, Ordinance 96-1 requires that all HST operations and facilities be managed to protect storm drain systems, stormwater retention/detention basins, irrigation canals, or natural streams located in or adjacent to the Fresno urban area. Protections include but are not limited to preventing any stormwater or non-stormwater discharges from transporting mud, silt, hydrocarbons, salts, pesticides, herbicides or any other harmful materials into the storm drain system (the *system* to include streets, gutters, inlets, basins, underground conveyance etc.).

Thank you for the opportunity to comment. Please keep FMFCD informed on the timing, design and construction of this project. If you should have any questions or comments, please contact FMFCD at (559) 456-3292.

Sincerely


Jerry Lakeman
District Engineer

JL/lrl

Attachment(s)

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Exhibit "A"

Table (Page 1) – Summary of Preliminary Drainage Fees

Diagrams (Pages 2 – 5) – Drainage Fees by Drainage Area

High Speed Rail
 Summary Preliminary Drainage Fee
 Portion Clinton to San Joaquin River

HST

Drainage Area	Use	Rate/Ac	Acres	Fee
CE	Comm.	\$14,730	7.58	\$111,653.00
AW1	Comm.	\$17,090	5.08	\$86,817.00
EXEMPT "AW1"	Comm.	\$17,090	1.56	\$26,660.00
LL	Comm.	\$6,960	7.42	\$51,643.00
AY	Comm.	\$11,200	6.45	\$72,240.00
FF	Comm.	\$6,960	18.66	\$129,874.00
EXEMPT "RR"	Comm.	\$6,960	3.91	\$27,214.00
UU2	Comm.	\$6,960	3.36	\$23,386.00
RR	Comm.	\$6,960	8.67	\$60,343.00
II1	Comm.	\$6,960	18.91	\$131,614.00
III1	Comm.	\$6,960	6.09	\$42,386.00
EXEMPT "II1"	Comm.	\$6,960	0.70	\$4,872.00
EXEMPT "XX"	Comm.	\$6,960	7.73	\$53,801.00
NON-PLANNED "CE"	Comm.	\$14,730	4.56	\$67,169.00
XX	Comm.	\$6,960	5.50	\$38,280.00
			106.18	\$927,952.00

Roadway Construction/Relocation

Drainage Area	Use	Rate/Ac	Acres	Fee
EE	Road	\$6,960	1.29	\$8,978.00
UU2	Road	\$6,960	2.75	\$19,140.00
XX	Road	\$6,960	5.35	\$37,236.00
			9.39	\$65,354.00

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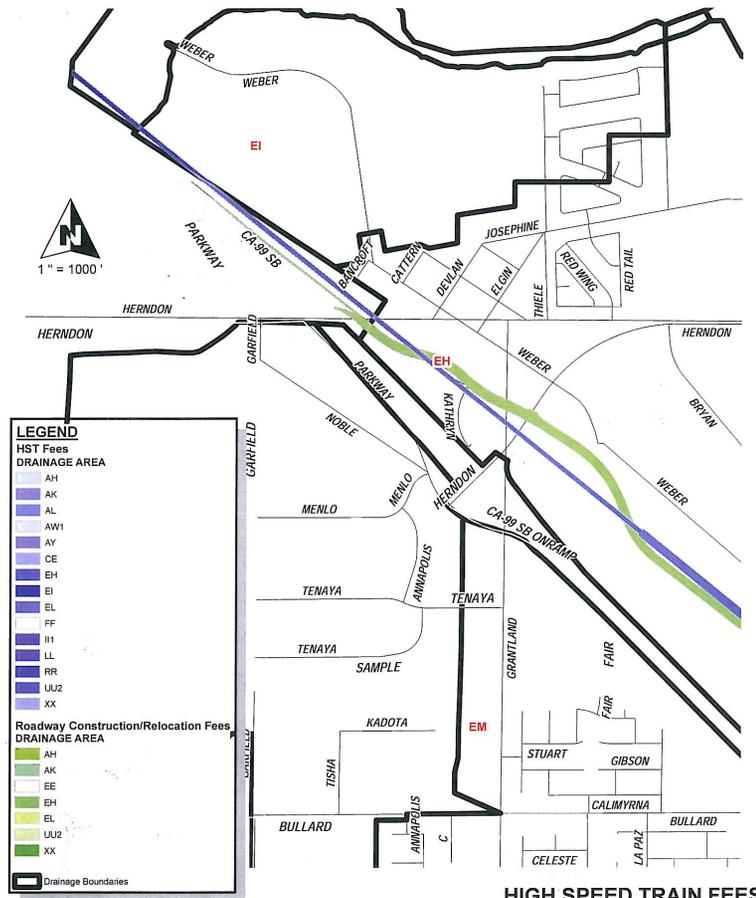


EXHIBIT "A"
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**HIGH SPEED TRAIN FEES
 BY DRAINAGE AREA**

 **FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**
 Prepared by: rich
 Date: 10/10/2011
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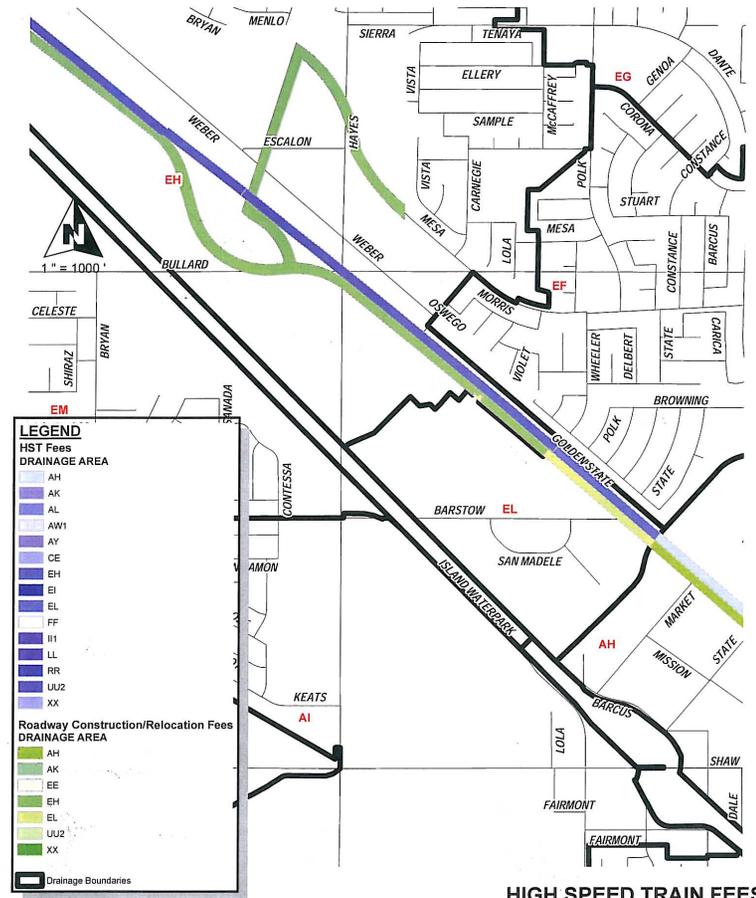


EXHIBIT "A"
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**HIGH SPEED TRAIN FEES
 BY DRAINAGE AREA**

 **FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**
 Prepared by: rich
 Date: 10/10/2011
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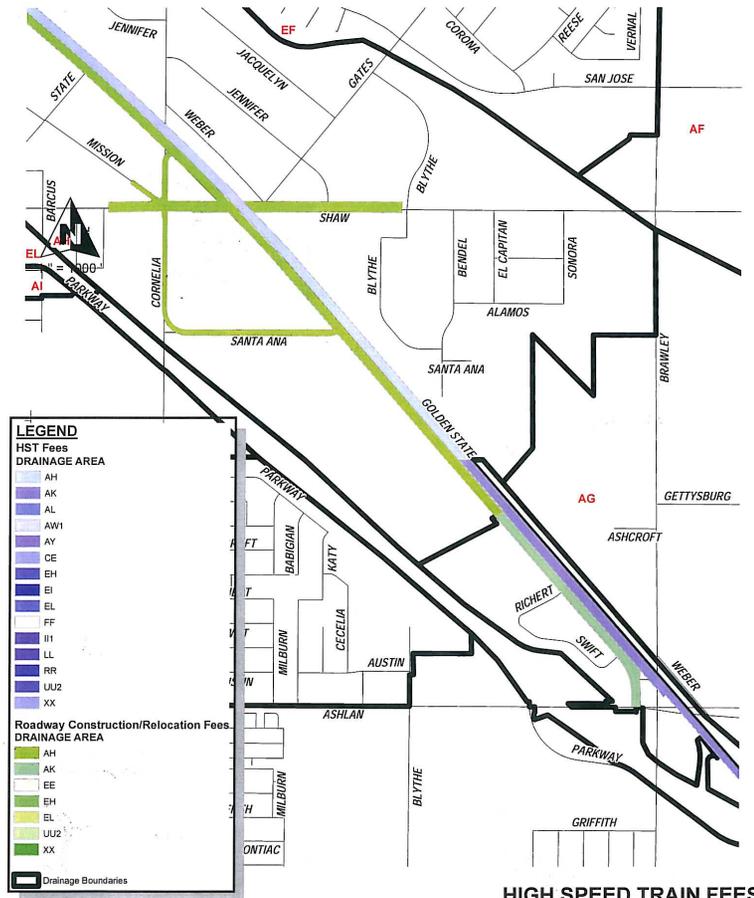


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HIGH SPEED TRAIN FEES
 BY DRAINAGE AREA



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

Prepared by: richh
 Date: 10/10/2011
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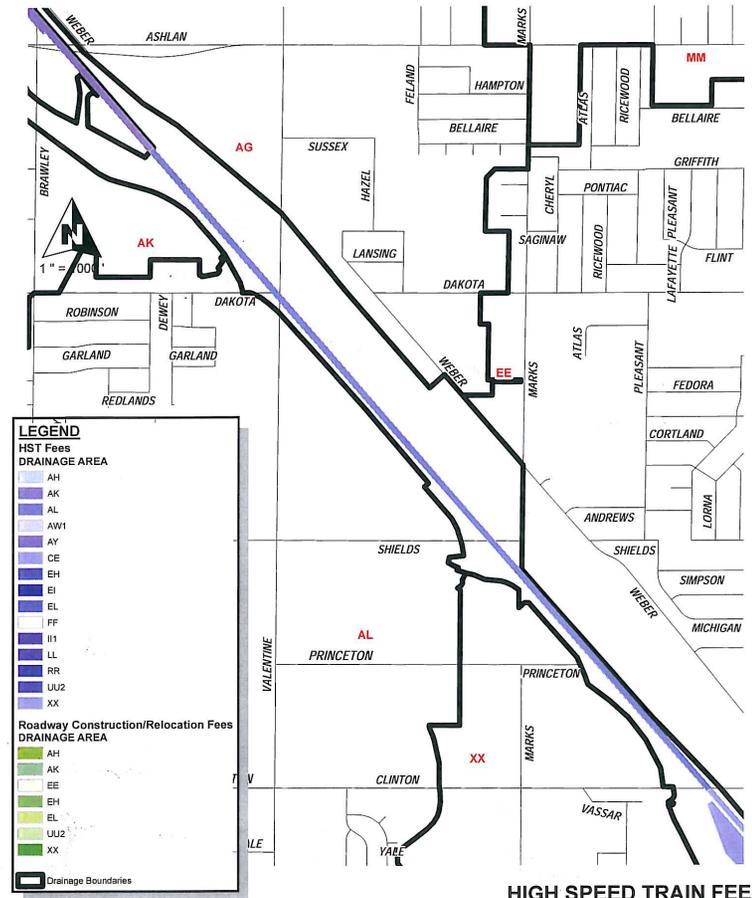


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HIGH SPEED TRAIN FEES
 BY DRAINAGE AREA



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

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EXHIBIT "B"

Table 1

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Fresno Metropolitan Flood Control

**California High Speed Train Project Study (San Joaquin River to Clinton Avenue)
 FMFCD Major Storm Notes**

Date: October 3, 2011
 These comments are based on the HST Draft Merced to Fresno Volume III Section A - Alignment Plans north of Clinton Avenue dated August 2011

Exhibit "B"

Table 1 (Page 1) – Summary of Major Storm Notes

Table 2 (Page 2) – Summary of Crossing Alignments

Diagrams (Pages 3 – 6) – Diagram of Major Storm Flow Paths, Master Plan Facilities to be Constructed, and Existing Facilities to be Protected or Relocated

RAIL DRAINAGE PLAN - FMFCD Major Storm Breakover Notes

Exhibit "B" Page No.	Service Area	Station (to Boundary)	MSBO Issues
	EI	1645+40 TO 1655+00	No
	EI	1645+40 TO 1655+00	No
	EI	1655+00 TO 1722+80	No
	Exempt	1722+80 TO 1730+00	No
	EH	1730+00 TO 1740+50	No
	EH	1740+50 TO 1740+50	No
	EH	1740+50 TO 1743+10	No
	EH	1743+10 TO 1749+00	No
	EH	1749+00 TO 1750+00	No
	EH	1750+00 TO 1751+10	No
	EH	1751+10 TO 1752+90	No
	EH	1752+90 TO 1758+10	No
	EH	1758+10 TO 1763+00	No
	EH	1763+00 TO 1769+80	No
	EH	1769+80 TO 1779+00	No
	EH	1779+00 TO 1788+80	No
	EH	1788+80 TO 1797+00	No
4 of 6	EH	1797+00 TO 1803+00	Yes - MS flows through Veterans Blvd. align. / Golden State Blvd.
4 of 6	EH	1803+00 TO 1815+80	Yes - MS flows through Veterans Blvd. align. / Golden State Blvd.
	EH	1815+80 TO 1819+60	No
	EH	1819+60 TO 1821+10	No
	EH	1821+10 TO 1845+00	No
	EH	1845+00 TO 1859+20	No
	EH	1845+00 TO 1859+20	No
	AH	1859+20 TO 1865+20	No
	AH	1865+20 TO 1895+20	No
	AH	1895+20 TO 1873+80	No
	AH	1873+80 TO 1876+80	No
5 of 6	AH	1876+80 TO 1885+00	Yes - MS south through Cornelia Ave. / Golden State Blvd.
5 of 6	AH	1885+00 TO 1895+20	Yes - MS south through Cornelia Ave. / Golden State Blvd.
	AH	1895+20 TO 1905+00	No
	AH	1895+20 TO 1913+00	No
	AH	1905+00 TO 1913+00	No
	AH	1913+00 TO 1932+00	No
	AK	1932+00 TO 1948+60	No
	AK	1948+60 TO 1958+20	No
6 of 6	AK	1932+00 TO 1958+20	Yes - MS south through Brawley / Golden State Blvd.
6 of 6	AK	1958+20 TO 1982+00	Yes - MS through Golden State Blvd.
6 of 6	AK	1958+20 TO 1971+10	Yes - MS through Golden State Blvd.
	Exempt	1982+00 TO 2072+36	No

Notes:
 (1) For grade (G) sections, gravel assume 0.0018 slope, C=0.75
 (2) For above(A) or below (B) sections, concrete slab assume 0.0015 slope, C=0.90

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Submission 771 (Jerry Lakeman, Fresno Metropolitan Flood Control District, October 13, 2011) - Continued

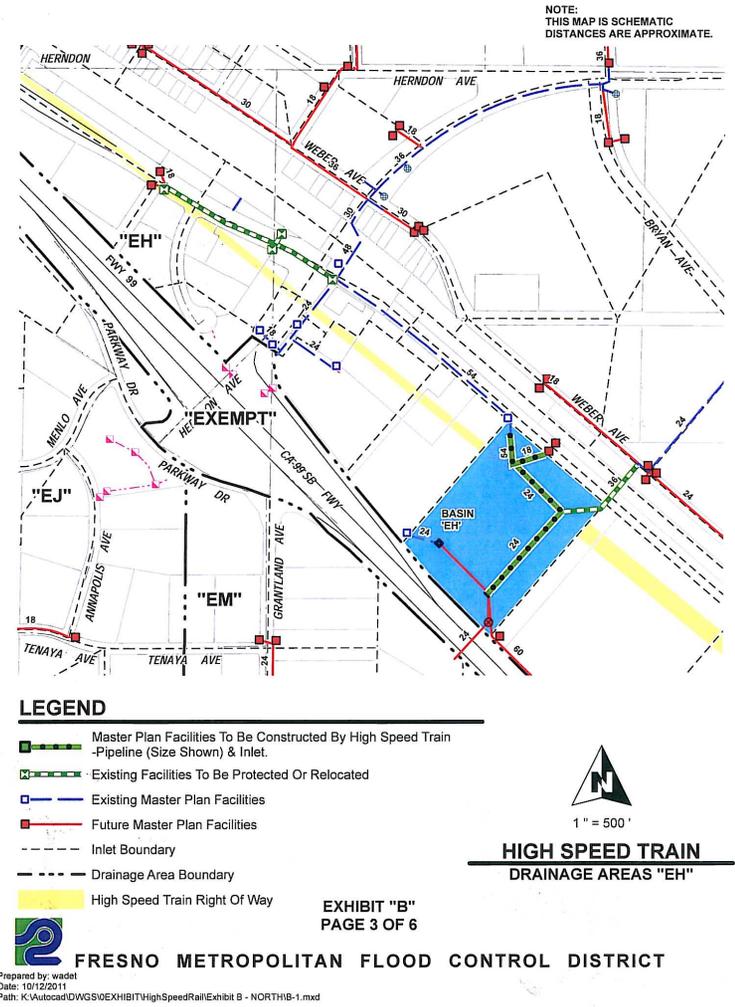
EXHIBIT "B"
Table 2
Page 2 of 6
Fresno Metropolitan Flood Control
Train Project Study (San Joaquin River to Clinton Avenue)

Date: October 3, 2011
These comments are based on the HST Draft Merced to Fresno Volume III Section A - Alignment Plans north of Clinton Avenue dated August 2011 (15% Design Submittal).
The comments are for information purposes only and do not constitute a design review.
FMECO STORMWATER ALIGNMENT CHECK

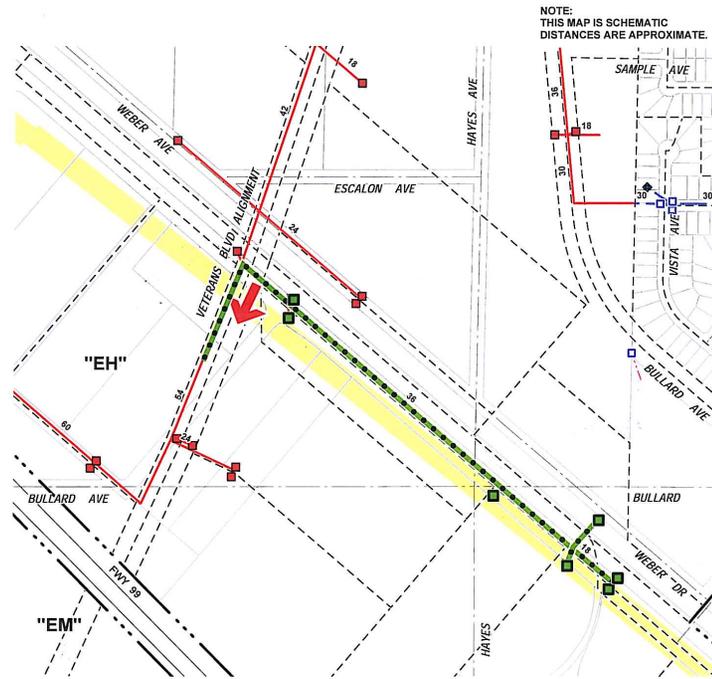
(See Plot #)	Service Area Station	Diameter (in)	Pipe Material	Alignment	Event	FMECO Drawing No.	Drawing Available
6	EH	1741+00 TO 1745+00	CIP	C	Golden State N/S Station	EH-2-2	Y
10	EH	1751+40	CIP	C	Exempt S/E Herndon	EH-2-2	Y
Basin EH	EH	1763+00 TO 1769+80	RCP	P	E/S Basin "EH"	Future Basin Internal SD	N
Basin EH	EH	1769+80 TO 1824+00	RCP	C	East Clinton Basin "EH"	EH-13-2	Y
15	EH	1824+00	RCP	C	Golden State N/S Station	Future SD	N
19	EH	1820+00 TO 1823+00	CIP	C	Golden State	Future SD	N
21	EL	1858+60	CIP	C	Golden State	EH-1-2	Y
22	EL	1858+60	CIP	C	Golden State	Future SD	N
28	AH	1801+50	RGP	C	Exempt	Future SD	N
29	AH	1912+50	RGP	C	Exempt	AH-43-3	Y
30,31	AH	1912+50	RGP	C	Golden State	AH-46-5	Y
32,33,34	AK	1817+00 TO 1850+20	CIP	C	Golden State	Future SD	N
35	AK	1850+60	CIP	C	Golden State	AK-36-3	Y
36	AK	1850+00	RCP	C	Golden State	AK-2-2	Y
37	AK	1850+80	RCP	C	Golden State	AK-39-3	Y

Notes:
Alignment Type - (Crossing = C), (Parallel = P)
Future Inlet
Design Approval

K:\Master Planning & Special Projects\Misc. Special Studies\3011-208_HSR Train Project\Misc. Special Studies\3011-208_HSR Train Project\10-7-11_HSR Urban D.A. North Clinton_2011-208



Submission 771 (Jerry Lakeman, Fresno Metropolitan Flood Control District, October 13, 2011) - Continued



LEGEND

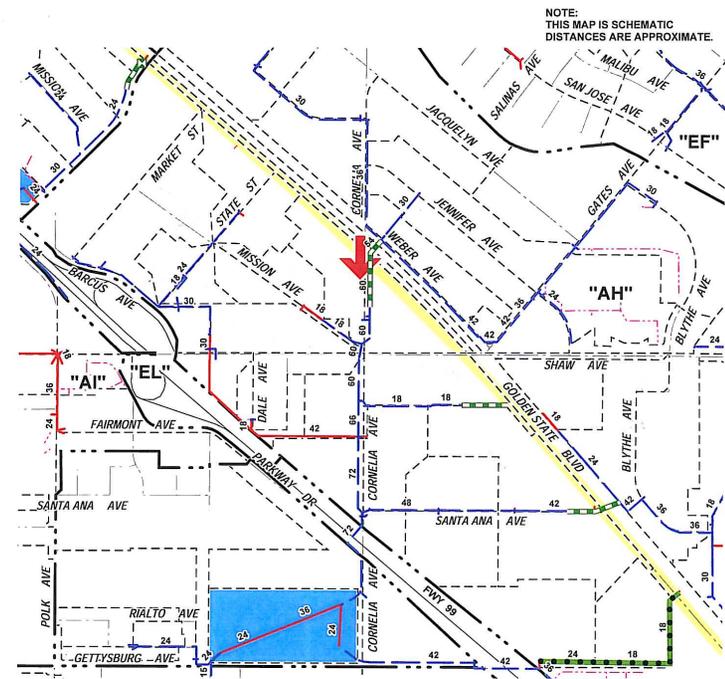
- Master Plan Facilities To Be Constructed By High Speed Train -Pipeline (Size Shown) & Inlet.
- Existing Master Plan Facilities
- Future Master Plan Facilities
- Inlet Boundary
- Drainage Area Boundary
- Major Storm Flow Path
- High Speed Train Right Of Way

EXHIBIT "B"
PAGE 4 OF 6



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

Prepared by: wadet
 Date: 10/12/2011
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LEGEND

- Master Plan Facilities To Be Constructed By High Speed Train -Pipeline (Size Shown) & Inlet.
- Existing Facilities To Be Protected Or Relocated
- Existing Master Plan Facilities
- Future Master Plan Facilities
- Inlet Boundary
- Drainage Area Boundary
- Major Storm Flow Path
- High Speed Train Right Of Way

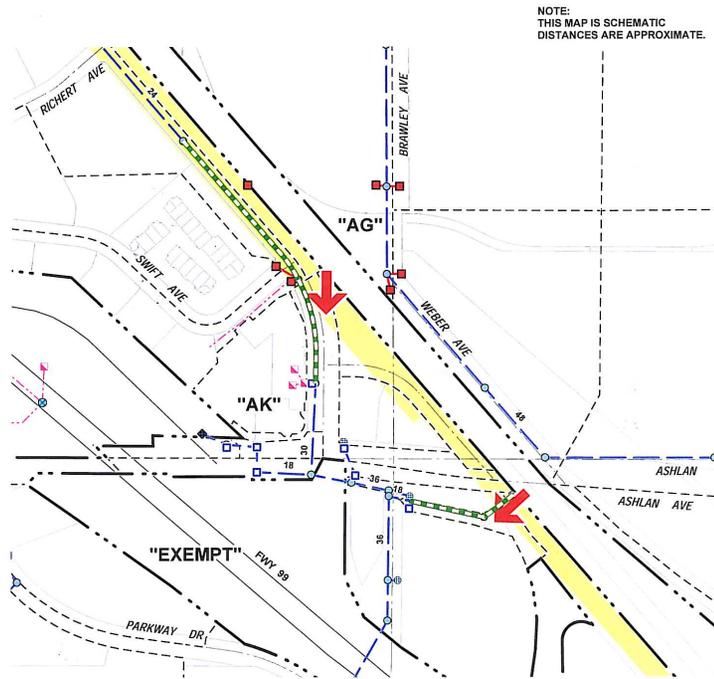
EXHIBIT "B"
PAGE 5 OF 6



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

Prepared by: wadet
 Date: 10/12/2011
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Submission 771 (Jerry Lakeman, Fresno Metropolitan Flood Control District, October 13, 2011) - Continued



LEGEND

- Existing Facilities To Be Protected Or Relocated
- Existing Master Plan Facilities
- Future Master Plan Facilities
- Inlet Boundary
- Drainage Area Boundary
- Major Storm Flow Path
- High Speed Train Right Of Way



**HIGH SPEED TRAIN
 DRAINAGE AREA "AK"**

EXHIBIT "B"
 PAGE 6 OF 6



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

Prepared by: wadet
 Date: 10/12/2011
 Path: K:\Autocad\DWGS\0\EXHIBIT\HighSpeedRail\Exhibit B - NORTH\B-4.mxd

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Exhibit "C"

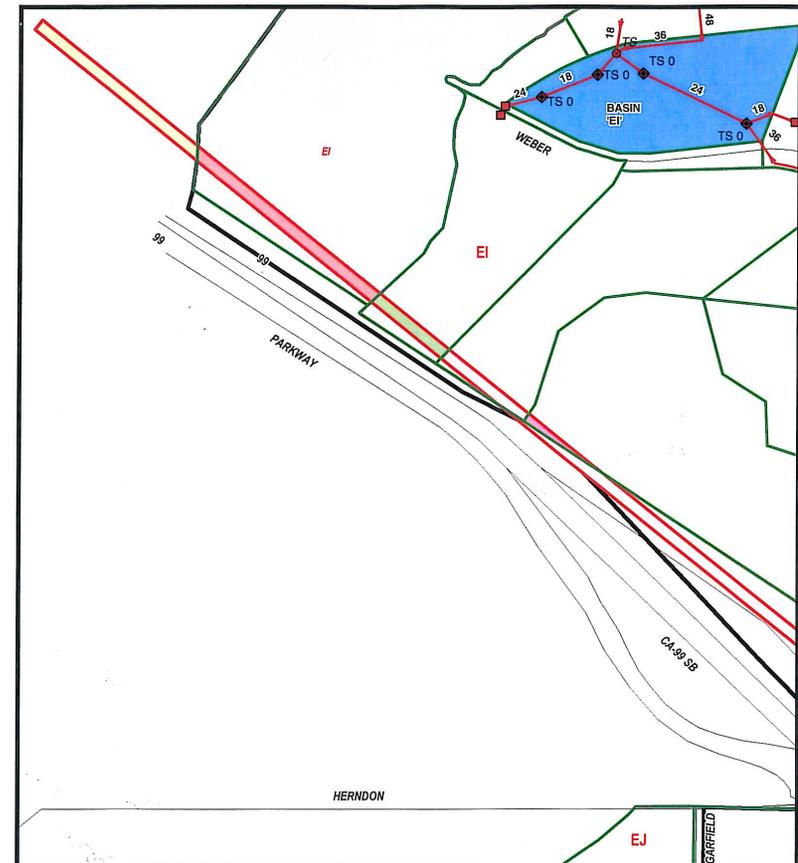
Table 1 (Page 1) – Summary of Drainage Guidance
 Diagrams (Pages 2-11) – Diagrams of Existing FMFCD
 Master Plan

Submission 771 (Jerry Lakeman, Fresno Metropolitan Flood Control District, October 13, 2011) - Continued

EXHIBIT "C"
Drainage Guidance
PAGE 1 of 11
Fresno Metropolitan Flood Control District
California High Speed Train Project Study (San Joaquin River to Clinton Avenue)

Date: October 3, 2011
These comments are based on the HST Draft Merced to Fresno Volume III Section A - Alignment Plans north of Clinton Avenue dated August 2011 (15% Design Submittal). Comments per FMFCD inlet watershed area.

RAIL DRAINAGE PLAN						
Volume III Sheet No.	Exhibit "C" Page No.	Drainage Area	Station (to Boundary) - Note (stationing is approximate)	FMFCD Point of Connection (POC)	FMFCD Permanent Service	Facilities to Receive Permanent Service
N/A	2	Exempt / EI	1630+00 TO 1645+40	N/A	No	Pipe
N/A	2	EI	1645+40 TO 1655+00	Inlet along Weber @ Basin "EI"	No	Inlet, Pipe
N/A	2	EI	1650+00 TO 1722+80	Inlet west side of Weber	No	Inlet, Pipe
N/A	2, 3	Exempt / EH	1722+00 TO 1730+00	N/A	No	Inlet
N/A	3	EH	1730+00 TO 1740+50	Future Inlet in Golden State Blvd.	No	Inlet
N/A	3	EH	1740+50 TO 1740+50	Future Inlet in Golden State Blvd.	No	Inlet
N/A	3	EH	1740+50 TO 1743+10	Existing Inlet in Golden State Blvd.	Yes	-
N/A	3	EH	1743+10 TO 1749+00	Existing Inlet in Golden State Blvd.	Yes	-
N/A	3	EH	1749+00 TO 1750+00	Existing Inlet in Herndon	Yes	-
N/A	3	EH	1750+00 TO 1751+10	Existing Inlet in Herndon	Yes	-
N/A	3	EH	1751+10 TO 1752+50	Existing Inlet in Essemment (Kleins)	Yes	-
N/A	3	EH	1752+50 TO 1758+10	Existing Inlet in Essemment (Kleins)	Yes	-
N/A	4	EH	1758+10 TO 1763+00	Existing Inlet in Golden State @ Basin	Yes	-
N/A	4	EH	1763+00 TO 1769+80	Basin "EH"	Yes	-
N/A	4	EH	1769+80 TO 1779+00	Future Inlet @ south Basin "EH"	No	Inlet, Pipe
N/A	4	EH	1779+00 TO 1788+80	Future Inlet (Essemment) east of FWY 99	No	Inlet, Pipe
N/A	4	EH	1788+80 TO 1787+00	Future Inlet (Essemment) east of FWY 99	No	Inlet, Pipe
N/A	5	EH	1787+00 TO 1803+00	Future Inlet (Essemment) east of FWY 99	No	Inlet, Pipe
N/A	5	EH	1803+00 TO 1815+80	Future Inlet in Golden State Blvd.	No	Inlet, Pipe
N/A	5	EH	1815+80 TO 1819+80	Future Inlet in Golden State Blvd.	No	Inlet, Pipe
N/A	5	EH	1819+80 TO 1821+10	Future Inlet in Golden State Blvd.	No	Inlet, Pipe
N/A	5, 6	EH	1821+10 TO 1845+00	Future Inlet in Golden State Blvd.	No	Inlet, Pipe
N/A	6	EL	1845+00 TO 1859+20	Existing Inlet in Golden State Blvd.	Yes	-
N/A	6	EL	1845+00 TO 1859+20	Future Inlet in Golden State Blvd.	No	Inlet
N/A	6	AH	1859+20 TO 1865+20	Existing Inlet South Market St @ Bancroft	Yes	-
N/A	6, 7	AH	1865+20 TO 1895+20	Future Inlet Golden State Blvd. @ Cornelia	No	Inlet
N/A	7	AH	1865+20 TO 1873+60	Existing Inlet in State Ave.	Yes	-
N/A	7	AH	1873+60 TO 1879+60	Future Inlet in State Ave.	No	Inlet
N/A	7	AH	1879+60 TO 1885+00	Existing Inlet in Cornelia Ave.	Yes	-
N/A	7	AH	1885+00 TO 1895+20	Future Inlet in Cornelia Ave.	No	Inlet
N/A	7	AH	1895+20 TO 1905+00	Existing Inlet in Golden State Blvd.	Yes	-
N/A	7, 8	AH	1905+00 TO 1913+00	Future Inlet in Golden State @ Santa Ana	No	Inlet
N/A	7, 8	AH	1905+00 TO 1913+00	Future Inlet in Golden State @ Santa Ana	No	Inlet
N/A	8	AK	1913+00 TO 1922+00	Future Inlets in Golden State Blvd.	No	Inlet, Pipe
N/A	8	AK	1922+00 TO 1949+60	Existing Inlet in Golden State Blvd.	Yes	-
N/A	8	AK	1949+60 TO 1958+20	Future Inlets in Golden State @ Swift Ave.	No	Inlet
N/A	8	AK	1958+20 TO 1969+00	Future Inlet in Golden State	No	Inlet
N/A	9	AK	1969+00 TO 1982+00	Existing Temp Inlet in Golden State Blvd.	No	Inlet
N/A	9	AK	1982+00 TO 1971+10	Existing Inlet in Ashlan Frontage	Yes	-
N/A	9, 10	Exempt / AL	1982+00 TO 2002+00	N/A	No	Pipe
N/A	10, 11	Exempt / XX	2002+00 TO 2072+56	N/A	No	Pipe



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

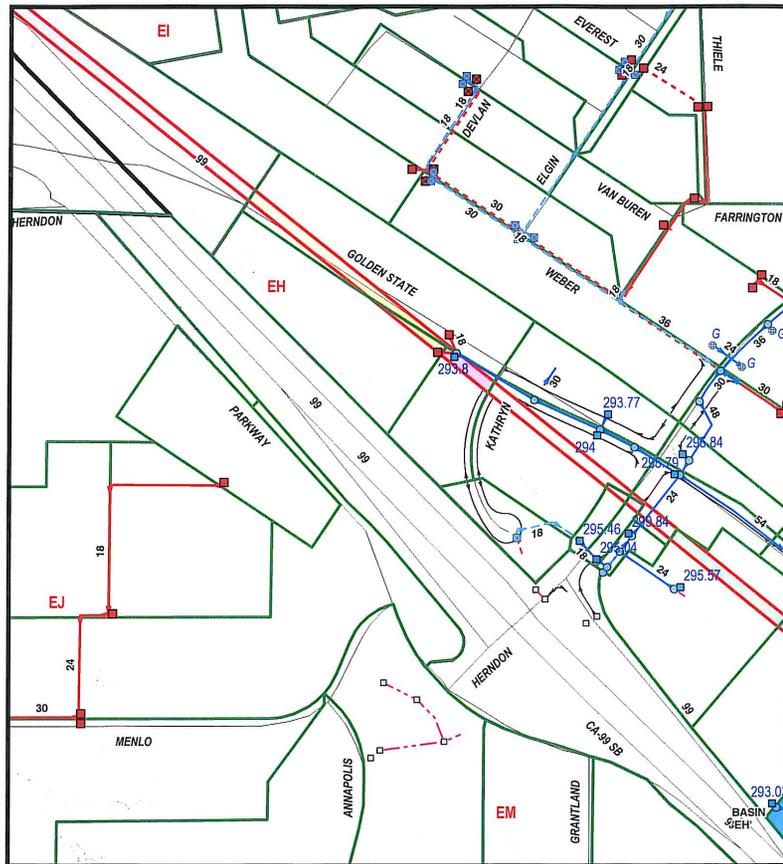
FRESNO COUNTY HIGH SPEED TRAIN CALIFORNIA

INLET BOUNDARY HSR R-O-W LIMITS EXEMPT AREAS

Exhibit "C" Drainage Guidance Page 2 of 11

NORTH 1" = 400'

Submission 771 (Jerry Lakeman, Fresno Metropolitan Flood Control District, October 13, 2011) - Continued

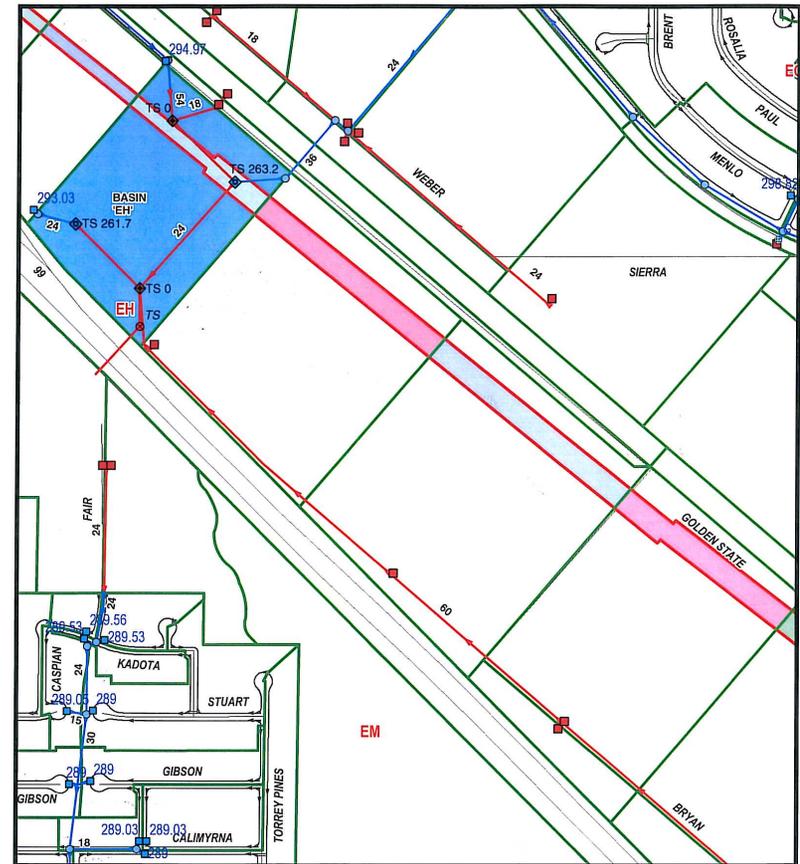


FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
 HIGH SPEED TRAIN

FRESNO COUNTY
 INLET BOUNDARY
 HSR R-O-W LIMITS

Exhibit "C"
 Drainage Guidance
 Page 3 of 11

CALIFORNIA
 NORTH
 1" = 400'



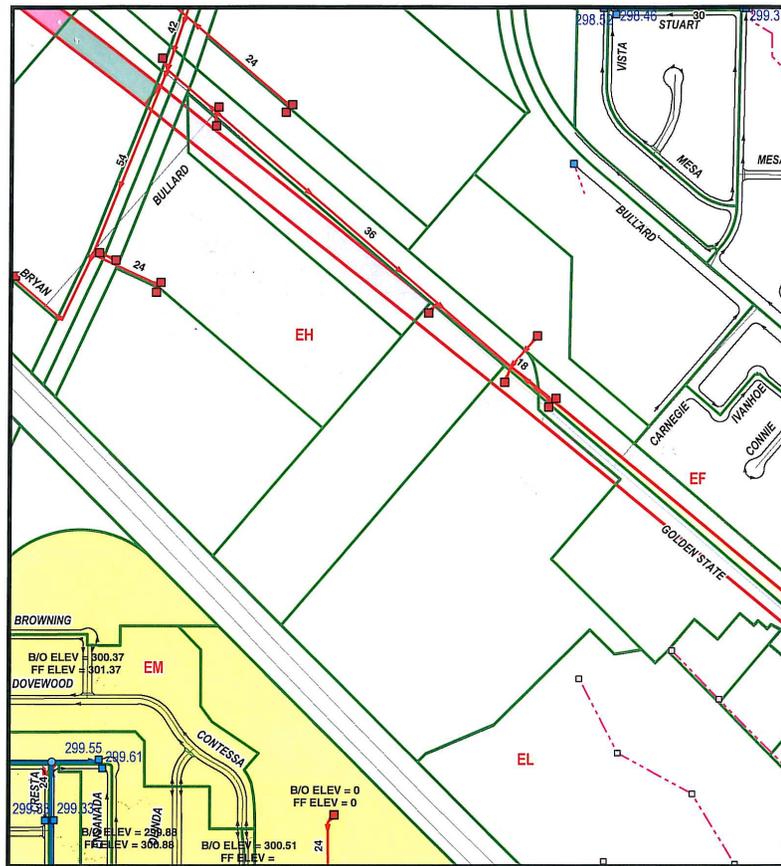
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
 HIGH SPEED TRAIN

FRESNO COUNTY
 INLET BOUNDARY
 HSR R-O-W LIMITS

Exhibit "C"
 Drainage Guidance
 Page 4 of 11

CALIFORNIA
 NORTH
 1" = 400'

Submission 771 (Jerry Lakeman, Fresno Metropolitan Flood Control District, October 13, 2011) - Continued

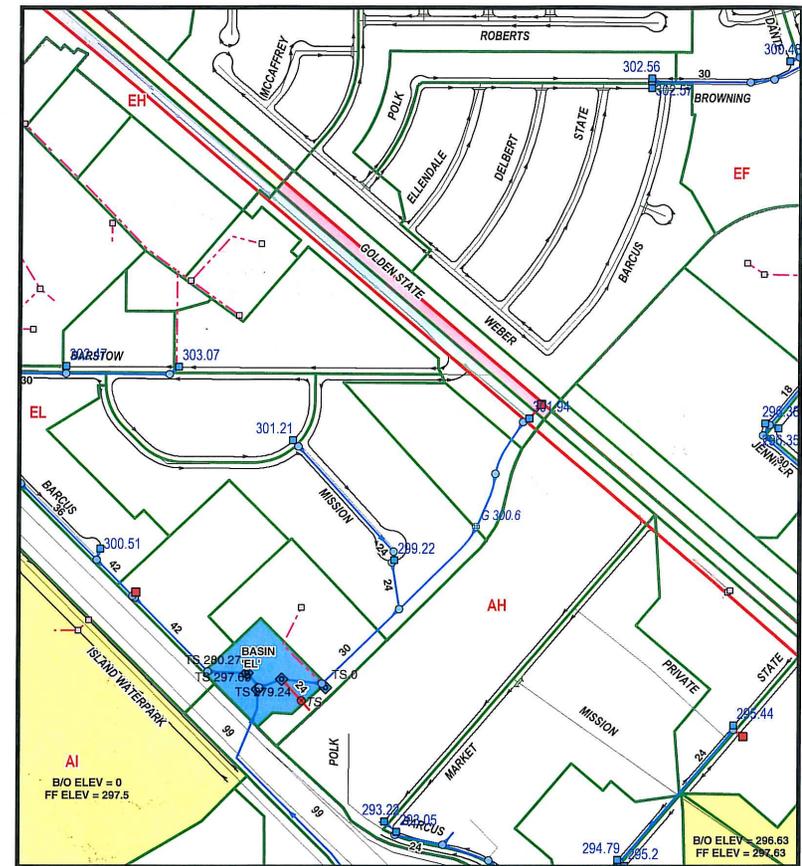


FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
 HIGH SPEED TRAIN

FRESNO COUNTY
 INLET BOUNDARY
 HSR R-O-W LIMITS

Exhibit "C"
 Drainage Guidance
 Page 5 of 11

CALIFORNIA
 NORTH
 1" = 400'



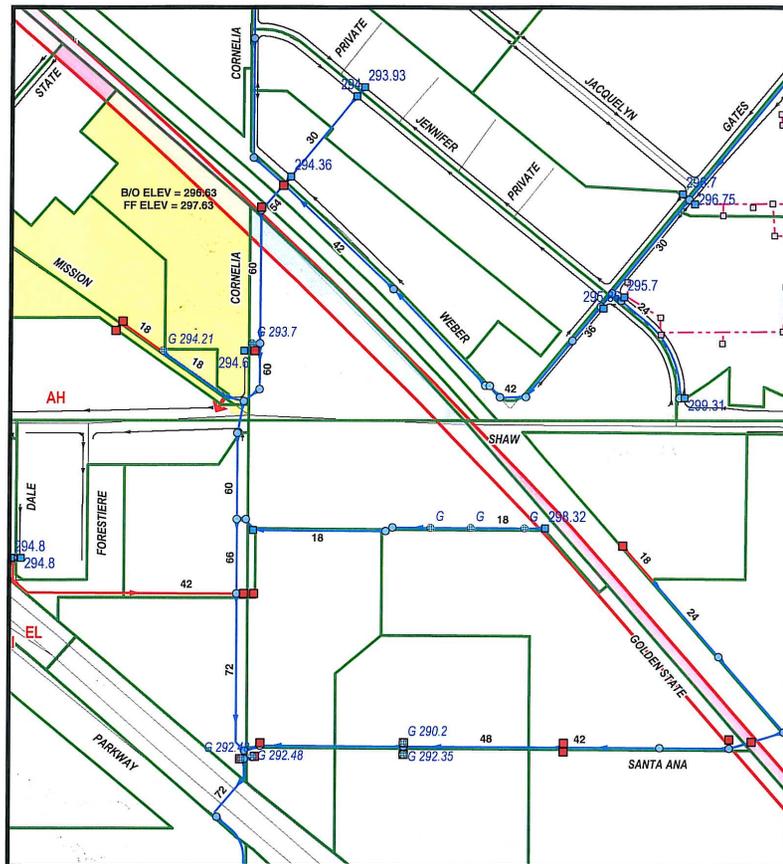
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
 HIGH SPEED TRAIN

FRESNO COUNTY
 INLET BOUNDARY
 HSR R-O-W LIMITS

Exhibit "C"
 Drainage Guidance
 Page 6 of 11

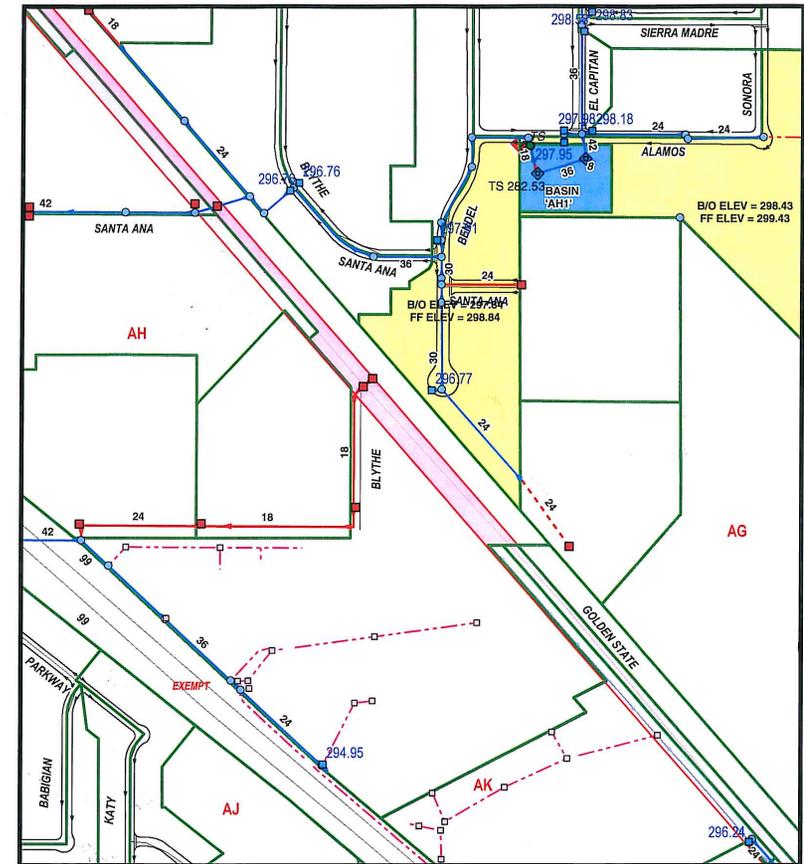
CALIFORNIA
 NORTH
 1" = 400'

Submission 771 (Jerry Lakeman, Fresno Metropolitan Flood Control District, October 13, 2011) - Continued



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HIGH SPEED TRAIN

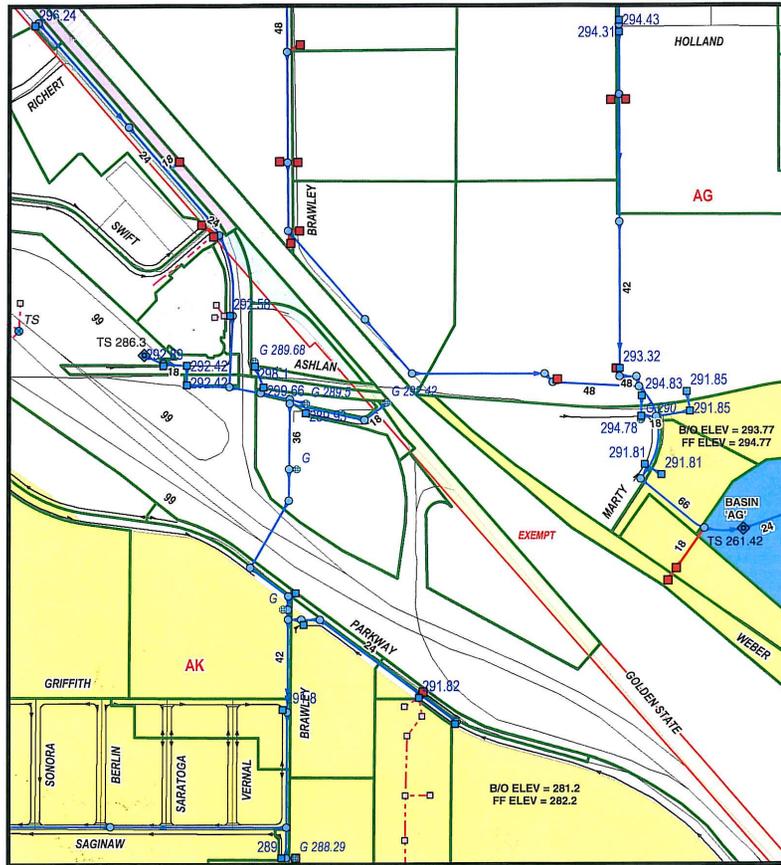
FRESNO COUNTY CALIFORNIA
 Exhibit "C" Drainage Guidance
 Page 7 of 11
 NORTH
 1" = 400'



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
HIGH SPEED TRAIN

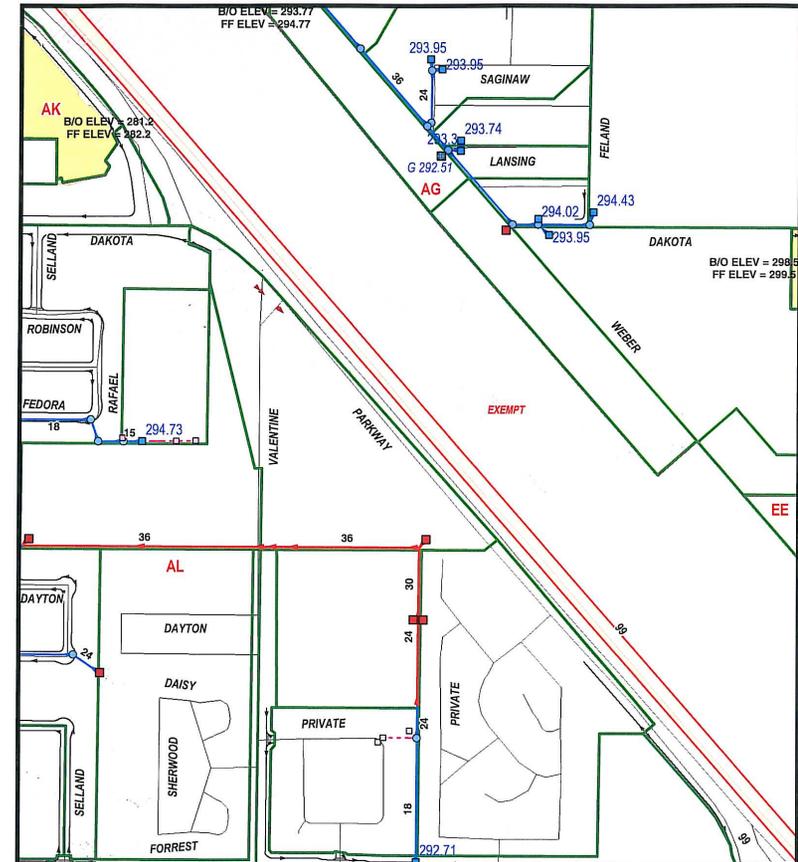
FRESNO COUNTY CALIFORNIA
 Exhibit "C" Drainage Guidance
 Page 8 of 11
 NORTH
 1" = 400'

Submission 771 (Jerry Lakeman, Fresno Metropolitan Flood Control District, October 13, 2011) - Continued



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

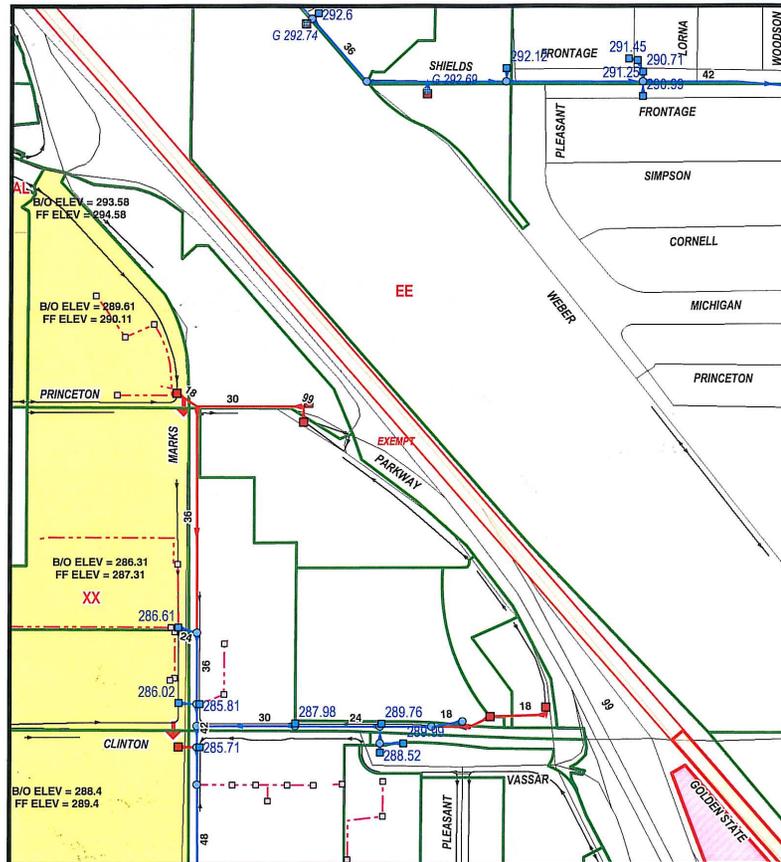
FRESNO COUNTY HIGH SPEED TRAIN CALIFORNIA
 Exhibit "C" Drainage Guidance Page 9 of 11
 Legend: INLET BOUNDARY, HSR R-O-W LIMITS, EXEMPT AREAS
 NORTH 1" = 400'



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

FRESNO COUNTY HIGH SPEED TRAIN CALIFORNIA
 Exhibit "C" Drainage Guidance Page 10 of 11
 Legend: INLET BOUNDARY, HSR R-O-W LIMITS, EXEMPT AREAS
 NORTH 1" = 400'

Submission 771 (Jerry Lakeman, Fresno Metropolitan Flood Control District, October 13, 2011) - Continued



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

- FRESNO COUNTY
- INLET BOUNDARY
- HSR R-O-W LIMITS
- EXEMPT AREAS

HIGH SPEED TRAIN

Exhibit "C"
 Drainage Guidance
 Page 11 of 11

CALIFORNIA



Exhibit "D"

Table (Page 1) – Basin Fill Material Availability Summary

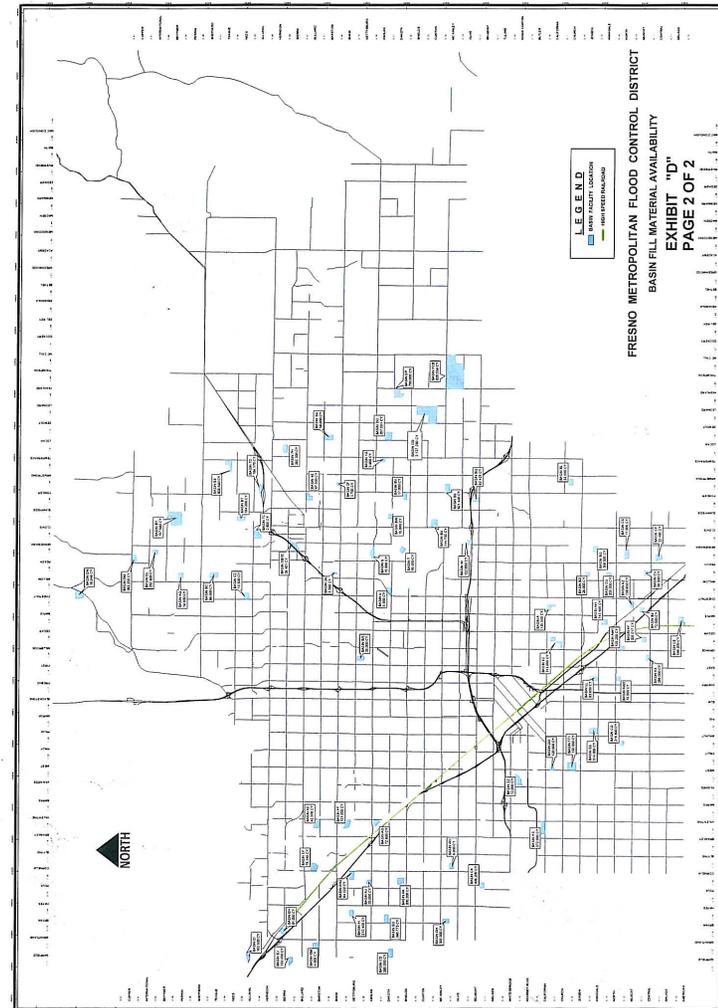
Diagram (Page 2) – Map of Basin fill Material Locations

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Submission 771 (Jerry Lakeman, Fresno Metropolitan Flood Control District, October 13, 2011) - Continued

EXHIBIT "D"
Page 1 of 2
**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
BASIN FILL MATERIAL AVAILABILITY SUMMARY**

Basin I.D.	Location	Remaining Cubic Yards to "E Grade"	Basin I.D.	Location	Remaining Cubic Yards to "E Grade"
1G	Temperance & Gould Canal	3,900	BW	Clovis & Dakota	15,000
3A	Helm & Shaw	3,000	BX	Temperance & Teague	808,690
3F	Shaw & Laverne	3,700	BY	Behymer & Sunnyside	157,680
3G	Barstow & Locan	58,000	CD	Dakota & Garfield	390,000
4E	Stanford & Bullard	67,500	CE	Maple & n/o American	596,300
5B/5C	Sierra & Minnewawa	39,401	CF	Peach & Central	23,480
7C	Alluvial & Clovis	2,800	CG	W. McKinley & N. Garfield	424,600
7D	Alluvial & Fowler	189,170	CH	W. McKinley & Bryan	305,000
7H	Temperance & Sierra	292,300	CJ	W. Belmont & N. Grantland	300,000
A	Floradora & Maple	135,500	CK	W. McKenzie & N Polk	406,200
AE	Barstow & Santa Fe	42,500	CP	Jensen & Marks	224,600
AF	Shaw & w/o Brawley	101,000	CQ	W. North & S. Walnut	216,600
AG	Valentine & Ashlan	72,800	CS	Fruit & North	11,000
AH2	Gettysburg & Cornelia	64,322	CU	North & Willow	205,000
AI	Gettysburg & w/o Hayes	210,400	CV	Willow & Central	50,000
AJ	Ashlan & w/o Cornelia	20,000	CZ	Nees & Chestnut	10,500
AK	Dakota & Polk	220,200	DL	Minnewawa & Harvey	262,900
AN	Cornelia & Olive	9,000	DM	Peach & Copper	383,200
AQ	Willow & Perrin	19,500	DN	Friant Rd & s/o Willow	18,049
AR	W. Whitesbridge & S. Cornelia	338,000	DO	Locan & Dakota	207,551
AS	W. California & S Valentine	372,000	DP	E. Dakota & N Highland	700,000
AU	Unknown Street & Unknown Street	160,000	DS	East Side Dewolf n/o McKinley	3,137,290
AV	S. Elm & 41 Hwy	166,000	EF	Cornelia & Browning	78,340
AW1	Orange & North	105,200	EH	Bullard & Motel Drive	81,000
AW2	North & Cherry	10,000	EI	Garfield & Alluvial	153,500
AX	E Central & S. East	286,000	EJ	Garfield & Bullard	133,450
AY	Central & Cedar	205,017	EM	Barstow & Grantland	4,000
AZ	Chestnut & Golden State	138,950	EN	W. Gettysburg & N. Garfield	325,500
B/E	Gettysburg & First	35,000	EO	N. Bryan & W. Dakota	290,773
BC	Willow & Teague	89,000	ECB	Fancher Creek Detention Basin	606,559
BD	Vine & Helm	28,000	EH	Commerce & Maple	143,495
BDCB	Consolidated to 501	52,700	II2	Church & Orange	313,000
BG	S. Peach & S. Clovis	368,500	LL	Annadale & Cherry	83,600
BJ	Central & Maple	72,000	OO	West & Lorena	120,000
BL	Church & Armstrong	33,500	S	Ashlan & Peach	15,000
BP	180 Hwy & N. Sunnyside	135,000	SDB	Unknown & Unknown	280,000
BQ	Belmont & Fowler	92,425	SS	Annadale & Walnut	514,000
BR	N. Clovis & E. Lamona	180,500	T	E Airways & W Clovis	65,000
BS	McKinley & Fowler	621,400	TT1	Jensen & West	130,000
BT	Nees & Marion	164,000	U	Chestnut & Dakota	5,500
BU	Clovis & Clinton	144,700	W	Minnewawa & Harvey	122,650
BV	Fowler & Shields	17,000	ZZ	Dry Creek & Crystal	13,000
				TOTAL	17,800,892



Response to Submission 771 (Jerry Lakeman, Fresno Metropolitan Flood Control District, October 13, 2011)

771-1

Drainage Fees

The Authority will contribute to the cost of public drainage system in an appropriate manner. Payment of drainage fees will be addressed in the proposed Master Utility Agreement with the Fresno Metropolitan Flood Control District. The Authority's Program Management Team met with the District to initiate these discussions on September 13, 2011 and January 23, 2012.

Drainage Patterns

For a general discussion of how drainage patterns and hydrology are being addressed, see MF-Response-WATER-2 and MF-Response-WATER-3. In addition, project design has been advanced to the 30 percent level within the Fresno Metropolitan Flood Control District area as part of Construction Package 1A, including more detailed drainage design. Engineers from the regional consultant team have worked with the district to address concerns and resolve conflicts, for example by updating the Golden State Boulevard alignment to allow proper reconfiguration of detention basins south of Herndon Avenue.

Drainage Service

The HST system will be designed to meet Fresno Metropolitan Flood Control District design guidelines within the district boundaries, including onsite detention of stormwater runoff that exceeds the design flows of the existing stormwater system. For additional information, see the HST Stormwater Management Plan, applicable for the entire Merced to Fresno HST project, and the Procurement Package 1 Stormwater Management Report, which is a more detailed document applicable to the initial construction area between Herndon Avenue and Downtown Fresno (i.e., within the district boundaries). Drainage design for Construction Package 1A has resolved the approach to discharges to Basin EH south of Herndon Avenue. Details will continue to be addressed and resolved when negotiating the final Master Utility Agreement – see MF-Response-WATER-1.

Relocation/Protection of Existing Pipe Facilities

771-1

The regional consultant design team is fully aware of all pipeline crossings based on initial utility investigations (which took place in 2010) and based on continued coordination with the Fresno Metropolitan Flood Control District. Protection of existing facilities crossed by the HST alignment, or the relocation of those facilities, will be addressed in the Master Utility Agreement to be finalized between the Authority and the District.

Basins

Updates to the project design for Construction Package 1A (i.e., advancing the design to the 30 percent level between Herndon Avenue and Downtown Fresno) have resolved the conflicts with Basin EH by replacing the displaced land and storage capacity.

Proposed Facilities to be Constructed

This comment addresses the timing of relocated or otherwise affected drainage facilities relative to HST construction activities. The comment also addresses cost allocation and reimbursement, and procedures by District staff for reviewing and approving HST drainage design and connections to District drainage infrastructure. These topics will be addressed in the Master Utility Agreement to be finalized between the Authority and the District. Impacts to the Herndon Canal (see Procurement Package 1 Floodplain Impacts Assessment and Hydrology and Hydraulics Report) will be addressed in the Master Utility Agreement between the Authority and the Fresno Irrigation District.

Fill Materials and Source of Materials

The Authority appreciates the information about locally available fill and agrees in principle with the benefits of using this readily available, permitted source. At this time, the Authority is not committing to using this source – procurement of fill material is expected to be at the discretion of the Design/Build contractor. Nevertheless, this topic can be discussed further in the Master Utility Agreement.

Stormwater Quality

See MF-Response-WATER-5. General requirements and design standards for

Response to Submission 771 (Jerry Lakeman, Fresno Metropolitan Flood Control District,
October 13, 2011) - Continued

771-1

stormwater quality control (both within and outside of District boundaries) are described in the Stormwater Management Plan and Procurement Package 1 Stormwater Management Report. The regulatory mandates, as stated in these two reports, are consistent with the District's comments. These requirements are also fully acknowledged in the EIR/EIS (see, e.g., Section 3.8.6, Project Design Features). The role of FMFCD staff in the review and approval of stormwater quality design features will be addressed in the Master Utility Agreement.

Dust control activities will follow San Joaquin Valley Air Pollution Control District Regulation VII, as described in Section 3.3, Air Quality and Global Climate Change. Because of the extent of project construction activities, additional mitigation is required (AQ-MM#1 – Reduce Fugitive Dust Emissions by Watering. If the Authority participates in the District's basin excavation program, then applicability of the Master Dust Control Plan will be evaluated at that time.

Submission 664 (Lisa LeBlanc, Fresno Unified School District, October 13, 2011)



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October 13, 2011

California High-Speed Rail Authority
Merced to Fresno EIR/EIS Comment
770 L Street, Suite 800
Sacramento, CA 95814

RE: Merced to Fresno Draft EIR/EIS

The Fresno Unified School District offers the following comments on the Draft Environmental Impact Report/Statement for the Merced to Fresno section of the California High-Speed Rail Project:

The Fresno Unified School District is the fourth largest school district in California and operates 94 schools serving approximately 73,000 students. Our District includes most of the City of Fresno, and the proposed high speed train (HST) route runs adjacent to and bisects the western portion of the District. The proposed Fresno HST station is located in the District.

664-1

Transportation Impacts

Most of the District and its attendance areas are located east of the Union Pacific (UP) railroad tracks, which is the approximate alignment for the HST route. The District has traditionally endeavored to use the tracks as a logical boundary between attendance areas. None of the District's elementary attendance areas, from downtown Fresno north to the northwest edge of the District, cross the UP tracks. However, the high school attendance areas for both Fresno High School and Edison High School cross the UP tracks. As such, we are concerned that construction of the HST could disrupt transportation between the areas east and west of the HST route.

It is noted that the Draft EIR/EIS does require the preparation specific construction/traffic management plans for the purpose of maintaining pedestrian, bicycle and public transit access and routes, and managing construction-related traffic and parking (see pages 3.2-106 and 107). Such plans, however, should include specific provisions for coordination with school districts with respect to bus routes, pedestrian and bicycle routes, and automobile traffic to schools.

664-2

School Compatibility with Potential HST Route Impacts

The District has determined the approximate distance between its schools and the proposed HST route. The closest school, Addams Elementary, is approximately 1,350 feet away from the HST route, followed by Homan Elementary (1,850 feet) and Fremont Elementary (1,950 feet). Based on the information in the Draft EIR/EIS, it does not appear that HST construction and operations would result in significant noise or vibration impacts at these distances from the HST route.

664-3

The Draft EIR/EIS Hazardous Materials Section correctly indicates that state regulations (California Public Resources Code section 21151.4) require the lead agency to consult with any school district with jurisdiction over a school within 0.25 mile of the project about potential impacts on the school if the project might reasonably be anticipated to emit hazardous air emissions, or handle an extremely hazardous substance or a mixture containing an extremely hazardous substance.

Figure 3 10-4 of the Draft EIR/EIS Hazardous Materials Section shows the location of Addams Elementary School in relation to the HST route, which would be within 0.25 mile of the construction zone. Based on the discussion in the Draft EIR/EIS, it appears that most of the potential for hazardous waste generation would result from project construction, demolition, and excavation activities. The Draft EIR/EIS indicates that potentially hazardous materials and items containing potentially hazardous materials would be used in railway construction, and demolition of existing structures within the project footprint could require the removal of asbestos-containing materials (ACMs) and lead-based paint from project sites. Because of the potential for the accidental release of extremely hazardous materials, Draft EIR/EIS indicates that the effect of HST construction related to routine transport and handling of hazardous or acutely hazardous materials within 0.25 mile of an existing or proposed school would be moderate under NEPA, and the impacts would be significant under CEQA.

To mitigate potential hazardous materials impacts to schools, the Draft EIR/EIS provides the following mitigation measure:

HMW-MM#1 Limit use of extremely hazardous materials near schools. The contractor shall not handle an extremely hazardous substance (as defined in California Public Resources Code Section 21151.4) or a mixture containing extremely hazardous substances in a quantity equal to or greater than the state threshold quantity specified pursuant to subdivision (j) of Section 25532 of the Health and Safety Code within 0.25 mile of a school.

This measure should reduce potential impacts to a less than significant level.

664-4

Displacement of Businesses and Potential Economic Benefits

The project could result in the displacement of numerous businesses along the HST route within the District. If these businesses are not successfully relocated within the District or move out of the area entirely, the movement of people and students out of the District could contribute to a loss of enrollment at District schools. This would be financially detrimental to the District, as funding from the state is based on average daily attendance (ADA).

On the other hand, HST project construction and operations will result in the creation of many jobs in the area. The location of a station in downtown Fresno could provide a large economic benefit to the area by attracting people, businesses and housing to the station vicinity. Such activities could result in enrollment increases in the District, which would be beneficial in terms of operational funding (ADA), but could put a strain on District school facilities, potentially resulting in the need for new facilities. This impact would be lessened through the payment of school facilities fees by new businesses and residential developments constructed in station area, as required by existing law

Submission 664 (Lisa LeBlanc, Fresno Unified School District, October 13, 2011) - Continued

Thank you for the opportunity to comment on the Draft EIR/EIS. Please contact me if you have any questions regarding this letter

Sincerely,



Lisa LeBlanc, Executive Director
Facilities Management and Planning Department

Response to Submission 664 (Lisa LeBlanc, Fresno Unified School District, October 13, 2011)

664-1

See MF-Response-TRAFFIC-1 and MF-Response-S&S-1. The Authority has taken the issues raised by the District into consideration in its continued refinement of the project design. However, the Authority and FRA are responsible for weighing these considerations in the context of both the project purpose and need and project environmental impacts when making its decision on the project. That decision may or may not resolve all of the issues raised by the District in the manner in which the District would prefer. To the extent that it does not, it does not indicate that the Authority and FRA did not coordinate with the District, but rather that they were unable to resolve the issues while balancing other project concerns.

A summary of concerns raised by school districts and information from the Final EIR/EIS chapters, technical reports, and other supplemental information that address the above issues and concerns is included in Appendix 3.12-D, Summary of Issues/Concerns Affecting Schools.

664-2

See MF-Response-NOISE-2.

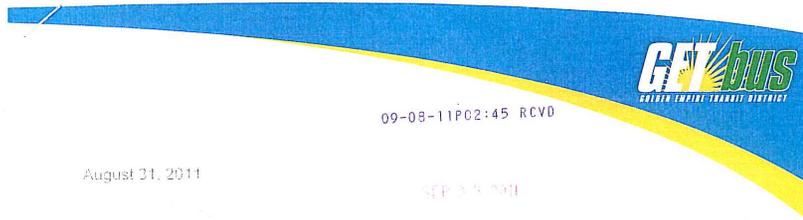
664-3

See MF-Response-HAZ-1.

664-4

See MF-Response-SOCIAL-5.

Submission 245 (Howard Silver, Golden Empire Transit District, September 8, 2011)



August 31, 2011

Mr. Roelof van Ark,
Chief Executive Officer
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Subject: Draft Environmental Impact Report/Statement- Merced to Fresno
Draft Environmental Impact Report/Statement- Fresno to Bakersfield

Dear Mr. van Ark:

245-1

It is Golden Empire Transit District's understanding that the California High Speed Rail authority has extended the comment period for the Draft Environmental Impact Report/Statement- Merced to Fresno and the Draft Environmental Impact Report/Statement- Fresno to Bakersfield to October 13, 2011. While we appreciate the Authority's action, we feel that this is still not sufficient time to prepare cogent comments. Given the complexity and volume of these reports/statements additional time is needed to adequately study them.

Therefore, I urge you to further extend the deadline for submitting comments by an additional 30 days to November 12, 2011. Thank you for your consideration of this request.

Sincerely,

Howard Silver
Chairman

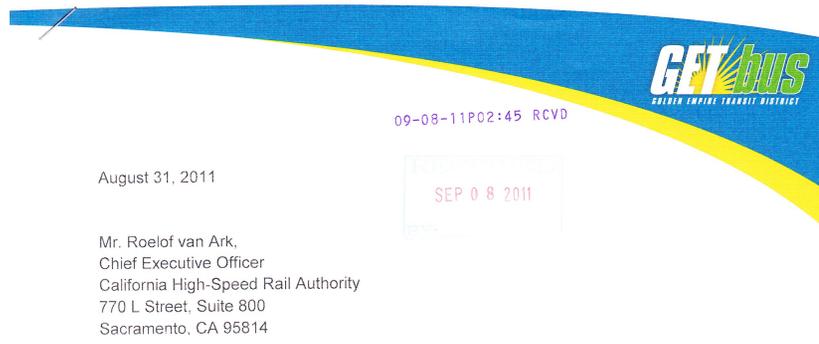
1830 Golden State Avenue - Bakersfield, California 93301-1012 phone (661) 324-9874 fax (661) 869-6394 www.getbus.org

Response to Submission 245 (Howard Silver, Golden Empire Transit District, September 8, 2011)

245-1

See MF-Response-GENERAL-7.

Submission 557 (Howard Silver, Golden Empire Transit District, September 8, 2011)



August 31, 2011

Mr. Roelof van Ark,
Chief Executive Officer
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Subject: Draft Environmental Impact Report/Statement- Merced to Fresno
Draft Environmental Impact Report/Statement- Fresno to Bakersfield

Dear Mr. van Ark:

557-1

It is Golden Empire Transit District's understanding that the California High Speed Rail authority has extended the comment period for the Draft Environmental Impact Report/Statement- Merced to Fresno and the Draft Environmental Impact Report/Statement- Fresno to Bakersfield to October 13, 2011. While we appreciate the Authority's action, we feel that this is still not sufficient time to prepare cogent comments. Given the complexity and volume of these reports/statements additional time is needed to adequately study them.

Therefore, I urge you to further extend the deadline for submitting comments by an additional 30 days to November 12, 2011. Thank you for your consideration of this request.

Sincerely,


Howard Silver
Chairman

1830 Golden State Avenue • Bakersfield, California 93301-1012 phone (661) 324-9874 fax (661) 869-6394 www.getbus.org

Response to Submission 557 (Howard Silver, Golden Empire Transit District, September 8, 2011)

557-1

See MF-Response-GENERAL-7.

Submission 725 (Robert Ball, Kern Council of Governments, October 13, 2011)



October 13, 2011

Roelof van Ark, Chief Executive Officer
California High Speed Rail Authority
770 L Street Suite 800
Sacramento CA 95814

Dear Mr. van Ark:

As the Regional Transportation Planning Agency and Metropolitan Planning Organization for Kern County, California, Kern Council of Governments is pleased to submit the following comments regarding "California High-Speed Train Project, Fresno to Bakersfield Section, Environmental Impact Report/Environmental Impact Statement".

1. Page 2-41: Table 2-10 uses Kern COG's 2007 Regional Transportation Plan. The document should reference the updated 2011 RTP, adopted in July 2010.
2. Figure 2-26 (and others) refers to Fomoso Woody. Should be Famoso.
3. Page 2-49, paragraph 4: refers to Kern Regional Transit (not an agency, but a section of Kern County Roads Dept) providing service throughout the county, with connections between Wasco, Shafter, and Bakersfield. KRT provides many other connections, and provides connections at Inyokern to Eastern Sierra Transit Agency that serves Inyo and Mono Counties to the north of Eastern Kern. GET provides service in Metro Bakersfield, as well as an express run to the IKEA Distribution Center at I-5 and Laval Road.
4. Page 2-49, paragraph 5: States that no documented plans for intercity expansion are available. However, the Long Range Transit Plan for GET with anticipated expansions is underway and is to be adopted January 2012.
5. Page 2-61, last paragraph: On the Allensworth Bypass, both Woollomes Ave. and Elmo Highway would be blocked from providing local access and appropriate mitigation is not proposed. Kern COG would like to see grade separations or other crossing solutions adequate for farm equipment. These would service properties with the same owner that are bisected by alignments and deviate from the existing BNSF alignment. Kern COG supports the BNSF alignment because of its lesser impact on transportation/circulation.
6. Page 2-62, Wasco-Shafter Bypass Alternative: According to Appendix A, the Wasco Shafter Bypass would close 16 local roads, collectors, and/or arterials in comparison with the BNSF

alignment which only closes two. Kern COG supports the BNSF alignment because of the lesser level of impact on transportation/circulation.

7. Page 2-82, Table 2-15, Shafter East HMF site mentions access to Wasco/Shafter bypass only, but not BNSF Alignment. The analysis of the Shafter East Site should reflect that it can service both alignments.
8. Page 3.2-28, paragraph six, What is a "benef" bus? Does this refer to specially equipped buses for the disabled, such as that which GET-A-Lift, NAPP, and BARC provide?
9. Page 3.2-28, paragraph 7, Within Kern County, Greyhound stops only in Bakersfield and in Mojave. Within Kern County, Orange Belt Stages serves Bakersfield, Tehachapi, Mojave, and Boron as well as Eastern Tulare County. In 2007, Caltrans completed an Intercity Bus Study with more accurate information on where bus service is currently available (<http://www.dot.ca.gov/hq/MassTrans/5311-Intercity-Bus-Study.html>). The EIR/EIS should discuss integration between each operational implementation phase with Intercity bus service and how that integration will be achieved. The EIR/EIS should discuss how Amtrak Thru-way Bus Connector Service, and Federal Transit Administration 5311(f) funded rural transit routes such Kern Regional Transit will be affected and how schedules would need to be adjusted to service HSR passengers getting on and off in Bakersfield for each implementation phase (from the Initial Operating Segment (IOS) to the ultimate system).
10. Page 3.2-23, paragraph 1: The City of Bakersfield does not operate Golden Empire Transit; GET operates as a special district. GET receives Section 5307 funds directly from the Federal Transit Administration, and the City has an MOU with GET to transfer the major portion of their TDA monies to this metro bus service.
11. Page 3.2-34, Table 3.2-10. Source, as referenced in the paragraph above, is Golden Empire Transit District 2009, rather than Authority and FRA.
12. Page 3.2-34, Non-Motorized Facilities. Currently (October 2011), a contract is being negotiated for Policy and Project Recommendations regarding the Kern Bicycle Plan and Complete Streets program. As part of this plan, the consultant will prepare for Kern COG's ultimate adoption maps and descriptions of existing and proposed bicycle transport and parking facilities for connections with and use of other transportation modes. This analysis will include parking facilities at transit stops, rail and transit terminals, park and ride lots, and provisions for transporting bicyclists and bicycles on transit or rail vehicles. It is anticipated that the Plan will be completed and adopted by June 2012. Kern has a significant bike path network. As mitigation, a bike path facility adjacent the HSR alignment should be provided to connect Wasco and Shafter with the Bakersfield bike path system. (For a map of the current bike path system, please reference the Kern COG 2001 Bike Plan: http://www.kerncog.org/docs/ped_bike/bikeplan.pdf).
13. Page 3.2-40, Conventional Passenger Rail. Increased ridership on the Amtrak San Joaquins would be more germane to the discussion here, rather than the Capitol Corridor. In 2011, the San Joaquins had over one million riders, and is the third most active passenger rail in the State. In the southern San Joaquin Valley, Kern COG is preparing a commuter rail feasibility study with anticipated completion in mid 2012. Furthermore, it will be important to maintain the Amtrak feeder bus system (such as currently operates between Bakersfield and Los Angeles) after HST is

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Submission 725 (Robert Ball, Kern Council of Governments, October 13, 2011) - Continued

- operating. Similar to an airport landing surcharge, a mitigation mechanism will be needed to fund the feeder bus system, such as a ticket surcharge for supporting local bus and rail transit.
14. Page 3.2-40, Intercity Passenger Bus Service. Page 3.2-28 mentions Orange Belt; this page mentions Trailways. The proper wording should be Orange Belt Trailways in both instances. See comment above (at page 2-49, paragraph 4) regarding the Kern Regional Transit's intercity bus service.
 15. Page 3.2-43, Construction Period Impacts, 2nd paragraph: "During project design and construction, the Authority and FRA would implement measures to reduce impacts on circulation." Will it be a third tier EIR/EIS before reviewers see specific mitigation measures on this activity? When does the CHSRA anticipate providing a Mitigation Monitoring Program for review and comment by the public?
 16. Page 3.2-68, Bakersfield Intersection Impacts – Ten impacts are identified on both alternatives, with significant effect under CEQA. Kern COG does not find any proposed mitigations for these impacts within the document. Kern COG requests the following mitigations for the impacted intersections:
 - a. Signalization / channelization necessary to maintain local government LOS standards
 - b. Local transit service improvements to Bakersfield high speed rail station, including an additional adjacent transit center and additional ingress/egress improvements for the buses
 - c. Off-street taxi waiting and loading areas, as well as kiss-and-ridequeues.
 - d. Adequate parking, including long term parking.
 17. Page 3.2-68, Bakersfield Area Transit Impacts: Addresses only existing GET, not KRT. Kern COG requests the following mitigations to alleviate area transit impacts:
 - a. GET service to Meadows Field (airport) will require capital and/or operational enhancements to provide additional transit service
 - b. KRT, the intercity transit service for Kern County, will require capital and/or operational enhancements to provide feeder routes to the Bakersfield high speed rail station from Arvin/Lamont, Frazier Park, Taft/Maricopa, Shafter/Wasco, and McFarland/Delano
 - c. These mitigations will assist CHSRA to enhance ridership and improve viability of the system.
 18. Page 3.2-75, Bakersfield Area Freight Impacts: Refers to Fresno station rather than Bakersfield. Also says freight rail service would be elevated, although it would appear to be the HST that would be elevated.
 19. Mitigation Measures for Transportation provided starting on page 3.2-82. Very general; more specificity and quantification, plus oversight agency, will need to be provided at next tier or as part of construction management plan. The following additional mitigations are proposed by Kern COG:
 - a. Minimize impacts during rail construction by staggering truck routing between construction and aggregate source sites.
 - b. Monitor loaded aggregate truck weight to minimize degradation of existing road pavement conditions.
 - c. Fix any road condition degradation created by violations of loaded truck weight.
 - d. Ship aggregate via rail car rather than truck, whenever possible to minimize impacts to road system pavement as well as air quality and greenhouse gas emissions.
 20. Page 3.3-37, Transportation Plans and Programs, 2nd paragraph: It appears that the Fresno COG RTP is incorrectly referenced, and should be replaced with Kern COG RTP.
 21. Page 3.3-38, Section 3.3.5, Environmental Consequences: CHSRA should provide KCOG with information on diverting travel from vehicles to high speed rail for initial construction and operation phases using existing \$6.33 billion in order for this to be included in KCOG's next regional conformity analysis. It is anticipated that the diversion of travel to high speed rail will have a net reduction in health-based criteria pollutants and GHG.
 22. Page 3.3-38 - Next paragraph indicates that implementation of certain mitigation measures could reduce emissions. EIR/EIS should commit to specific mitigation measures.
 23. Page 3.3-38, Environmental Consequences, fourth paragraph states: "Operation of the HMF/MOWF may have the potential to cause a significant localized impact..." When will the exact level of impact be determined, and when will Kern COG have the opportunity to comment?
 24. Page 3.3-38, Environmental Consequences, fourth paragraph states: "Operation of the HMF/MOWF may have the potential to cause a significant localized impact..." To reduce impacts from commuting workers, the three Kern COG sites are located along existing rail and bus transit service. The Wasco HMF site is 2 blocks from the Wasco Amtrak/Kern Regional Transit (KRT) intermodal transit center serviced by 12 trains from the Amtrak San Joaquins, and additional runs from Kern Regional Transit that connects Bakersfield, Shafter, Wasco, McFarland and Delano. The two Shafter HMF facilities (East and West) are located along the same KRT line. Kern COG has retained a consultant to prepare a commuter rail feasibility that could include a new stop on the Amtrak San Joaquins or a new commuter rail service. The study is considering a transit center near 7th Standard Road, adjacent to the two Shafter HMF sites. In the interim, the sites will be serviced by KRT. If half of the HMF employees were to use transit over 700 additional round trips could be generated along this corridor. The transit stop should be included as mitigation for the Wasco and Shafter HMF sites.
 25. Page 3.3-39, first paragraph states "Implementation of mitigation measures could reduce the exposure..." When will the effectiveness of these mitigation measures be examined and tested, and when will Kern COG have the opportunity to comment?
 26. Page 3.3-40, fifth paragraph states: During construction, programmatic emissions-reduction measures would be applied, including watering exposed surfaces twice daily, watering unpaved roads three times daily, reducing vehicle speeds on unpaved roads to 15 mph, and ensuring that haul trucks are covered as discussed in Section 3.3.3(H). Kern COG supports these mitigation measures.
 27. Page 3.3-45, Local Impacts/Asbestos – Should define NOA acronym within text.
 28. Page 3.3-53, Mobile Source Air Toxics Analysis, should be followed by "(MSAT)", or defined with the following text.
 29. Pages 3.8-19 (Figure 3.8-2) and 3.8-53 (Table 3.8-15), Floodplain map does not show Shafter East and West HMF sites in floodplain; however, table states that they are in the floodplain. This error also occurs on Table 2-15 (page 2-82).

Submission 725 (Robert Ball, Kern Council of Governments, October 13, 2011) - Continued

30. Page 3.8-50, Hydrology: States that no HMF has access to municipal water supply; however, both Shafter sites do.
31. Pg 3.12-69 Shafter West HMF would split an agricultural parcel, although the parcel has the same owner.
32. Page 3.13-30, Heavy Maintenance Facility Alternatives, states that both Shafter HMF sites are agriculturally zoned, with a small amount of industrial zoning. In fact, this is true for Shafter West, but Shafter East is entirely industrial.
33. Page 3.18-4, Kern COG's 2011 Regional Transportation Plan was adopted in July 2010 and would be the more appropriate document to be addressed herein. The planning horizon has been extended to 2035, and the document contains a more thorough discussion of high speed rail.
34. Pages 3.18-9 and 3.18-15. Kern County's Annual Average Growth Rate is shown as 2.7% on first; 2.8% on second, while the same source listed. In addition, the Kern COG adopted growth forecast is approximately 2%.

35. Notes on Merced to Fresno EIR/EIS

725-1

36. The methodology to analyze impacts for HMF sites in the Merced to Fresno EIR/EIS and the Fresno to Bakersfield EIR/EIS are inconsistent, making side by side comparison misleading. Specifically, the method used to calculate total acreage of the HMF sites appears to be inconsistent. The sites in the Merced to Fresno EIR/EIS range from 179 to 332 acres. The sites in the Fresno to Bakersfield EIR/EIS range from 415 to 586 acres. However, the document states that the area footprint required for the HMF is just 150 acres. It appears that the consultant analyzing the HMF site in the Fresno to Bakersfield EIR/EIS used a buffer zone around the proposed properties designated for each site; however, no map of the buffer zones has been provided making it difficult to confirm their analysis of the impacts in the area of the HMF sites. Kern COG requests that the analysis for the impacts for each HMF use a consistent methodology for calculating and comparing impacts among the 10 proposed sites.
37. The maps in the Merced to Fresno EIR/EIS show areas of proposed property and acreages that roughly correspond to the property designated for each site; however, these acreages appear to exclude any buffer zone impact area as the analysis in the Fresno to Bakersfield EIR/EIS uses.
38. The Merced to Fresno EIR/EIS lists as agricultural impacts the entire area including the apparent buffer zone impact area. For example, the KCOG-Shafter West site as listed in Table 3.13-2 shows an agricultural impact of 465 out of 480 total acres for the site. However, the footprint for the HMF is only 150 acres. The property adjacent to the site within the buffer zone is currently zoned for agricultural use. Therefore, the site should only show approximately 150 acres of impact to agricultural land. KCOG-Shafter East site and KCOG-Wasco site are currently designated industrial in the local General Plans, so the impact in Table 3.13-2 to industrial land should be listed as 0, not 484 and 407 acres, respectively. The Wasco vacant industrial site is currently under agricultural cultivation, so if an impact is listed, it should be limited to the actual

725-1

- footprint of the HMF, or 150 acres. The Shafter East site is predominantly fallow and should be listed as 0 or near 0 impact to agricultural.
39. CHSRA has adopted the Vision California commitment to sustainability. To ensure the lowest possible carbon footprint for the HMF project, the analysis should include the availability of adjacent vacant industrially zoned property needed to accommodate ancillary manufacturing and support industries. For example, both the Shafter East and West sites are adjacent to 5 square miles of vacant industrially zoned property.
40. The HMF should be co-located with a maintenance-of-way (MOW) facility to minimize impacts from additional travel by management and trainees to a separate site, in keeping with the HSR Vision California commitment. The 2 Shafter sites and the Wasco sites are the only ones that could be co-located with the MOW facility and not require an additional MOW between Sylmar and Wasco to ensure adequate maintenance response times in that corridor.
41. On the Shafter West site, 4 single family houses are identified within the 480 acre buffer zone (including 150 acre HMF footprint). These houses are not located within the 150 acre site. Table 3.13-2 should list the number of single family houses as 0.
42. On the Shafter West site, 10 acres of land are identified on Table 3.13-2as being impacted. However, the 150 acre footprint for the HMF is currently vacant with the exception of the adjacent railroad and an existing road. The buffer area includes some existing industrial property; however, these activities should not be affected by the HMF.
43. On the Shafter East site, 5 acres of land are identified on Table 3.13-2 as being impacted. However, the 150 acre footprint for the HMF is currently vacant with the exception of the adjacent railroad and an existing road. The buffer area includes some existing industrial property; however, these activities should not be affected by the HMF.
44. In the Fresno Bakersfield EIR/EIS Executive Summary, the KCOG Wasco – HMF site is incorrectly listed as having impact to a school. The closest school is approximately ¼ mile away. A low income housing project is located across the street from the proposed site; however, this is not mentioned.
45. Table 3.13-2 lists "Other" Permanent Land Impacts by Potential HMF Site (acres) but does not specifically list what the other impacts are.

Kern COG concurs with comments submitted by the City of Bakersfield regarding transportation assessments within this EIR/EIS, copy of which is provided below. Separate response to Kern COG regarding these comments is not necessary. Kern COG will consider the Authority's response to City of Bakersfield as sufficient.

On page 3.2-8, Section 3.2 Transportation HSR incorrectly assumes that the daily trips are 4,590. That number of vehicle trips corresponds to the number of "Boardings," which is forecast to be 9,200 for the Bakersfield station. There are an equal number of "Alightings." Therefore the number of daily vehicle trips is twice what is indicated in Table 3.2.5. The assumed percentage of trips occurring in the peak hour is 15% and is too high. It should probably closer to 10, or even 7 to 9 percent, consistent with auto peaking characteristics, instead of local bus peaking characteristics, which are typically 30% in the AM peak period and 30% in the PM peak period. The local transit peak hour percentages are a function of

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Submission 725 (Robert Ball, Kern Council of Governments, October 13, 2011) - Continued

work and school trips being the prominent trip purposes for local transit trips. To really get the proper % during the peak hour, one should look at the diurnal distribution of traffic on I-5 and SR 99 for automobiles. The EIR must be revised and recirculated to correct the significant underestimate of vehicle trips for the Bakersfield station and the unsupportable percentage of trips allocated to peak hours.

Caltrans in cooperation with the City of Bakersfield is currently preparing a Caltrans Project Study Report (PSR), and a Project Report (PR) and Environmental Document (EIR/EIS) for the Centennial Corridor Loop Project. This project, which will be adopted as State Route (SR) 58 immediately after construction, provides a continuous route along SR-58 from Interstate 5 (I-5) to Cottonwood Road on existing SR-58, east of SR-99. The proposed continuous route has been divided into three distinct segments. Segment 1 is the furthest eastern segment that would connect the eastern terminus of the Westside Parkway to the existing SR-58 (East) freeway. Segment 2 is composed of what is locally known as the Westside Parkway (WSP) and extends from Heath Road to Mohawk Street, and is currently under construction. Segment 3 extends from I-5 to Heath Road.

Three build alternatives (A, B, & C) are under consideration within Segment 1 of the Centennial Corridor. The proposed high speed train (HST) alignments are in direct conflict with Alternative C. This segment includes future direct connectors from Southbound SR-99 to westbound SR-58 and from eastbound SR 58 to northbound SR 99. The future direct connectors would be located east of the Mohawk Street Interchange, skewing across the BNSF rail yard, and tying into SR-99 near the Rosedale Highway Interchange. Estimated at \$275 million, the direct connectors are not included in the build alternatives at this time; however, the project cannot preclude the construction of these connectors in the future. Potential conflicts with HST, which must be addressed in the EIR and, where appropriate, resolved through design changes or mitigation measures, are as follows:

Alignment B1

1. The HST vertical profile and the eastbound SR 58 to NB SR 99 connector vertical profile are proposed to be at the same elevation (approx. 475 feet). Elimination of the conflict would require a change in profile of 30 to 40 feet.
2. HST alignment is proposed to be constructed directly above an active 6 to 8 lane freeway at an extremely high skew for potentially thousands of feet (Centennial scheduled to be constructed prior to HST).
3. HST must span 6 to 8 lane mainline freeway plus approaches and auxiliary lanes to the future connectors.
4. Outrigger placement will be critical. Freeway median cannot accommodate proposed columns for outrigger; thus, requiring widening of the freeway and encroaching onto railroad right-of-way.
5. Temporary false work placement will impact active freeway for thousands of feet.

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6. Outrigger placement cannot preclude future widening of freeway. Current median width designed to accommodate future lane (possibly HOV).

7. Proposed HST equipment location may be in conflict with Segment 1 and Segment 2 (Westside Parkway).

Alignment B2

1. The HST vertical profile and the eastbound SR 58 to NB SR 99 connector vertical profile are proposed to be at the same elevation (approx. 465 feet). Elimination of the conflict would require a change in profile of 35 to 45 feet.
2. Proposed HST equipment location may be in conflict with Segment 1 and Segment 2 (Westside Parkway).
3. Centennial Project will construct off-ramp from westbound Centennial Corridor to Mohawk Street interchange. HST profile would possibly need to be raised to provide vertical clearance above off-ramp.

Regarding the Westside Parkway, which is currently under construction west of SR-99, potential conflicts with HST, which must be addressed in the EIR and, where appropriate, resolved through design changes or mitigation measures, are as follows:

Alignment B1

1. HST alignment is proposed to be constructed directly above an active 6 to 8 lane freeway at an extremely high skew for potentially hundreds of feet.
2. HST must span 6 to 8 lane mainline freeway plus interchange, approaches and auxiliary lanes already in place.
3. Outrigger placement will be critical. Freeway median cannot accommodate proposed columns for outrigger without sacrificing future widening. Current median width is designed to accommodate future lane (possibly HOV) or a light rail facility.
4. Temporary false work placement will impact active freeway for hundreds of feet.
5. Construction activity may affect the commuters directly for extended amount of time with high cost and delays.
6. Proposed HST equipment location may be in conflict with Segment 1 and Segment 2 (Westside Parkway).

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Submission 725 (Robert Ball, Kern Council of Governments, October 13, 2011) - Continued

Alignment B2

1. HST alignment is proposed to be constructed directly above an active 6 to 8 lane freeway at an extremely high skew for potentially hundreds of feet.
2. HST must span 6 to 8 lane mainline freeway plus interchange, approaches and auxiliary lanes already in place.
3. Outrigger placement will be critical. Freeway median cannot accommodate proposed columns for outrigger without sacrificing future widening. Current median width is designed to accommodate future lane (possibly HOV) or a light rail facility.
4. Temporary false work placement will impact active freeway for hundreds of feet.
5. Construction activity may affect the commuters directly for extended amount of time with high cost and delays.
6. Proposed HST equipment location may be in conflict with Segment 1 and Segment 2 (Westside Parkway).

On page 3.2-33, it is stated that the Golden Empire Transit District is operated by the City of Bakersfield. This statement is incorrect. They are a separate agency.

The attached Ridership and Revenue tables indicate the ridership and access modes by station, and the parking requirements at each station. On page 3.2-62 of the EIR/EIS, the document correctly indicates the parking requirement to be 7,400 spaces at the Fresno Station. On page 3.2-68 for Bakersfield, the document states, "The station parking areas would accommodate approximately 2,300 parking spaces at the Bakersfield Station." However, the attached table indicates the parking requirement at the Bakersfield station to be 8,100 spaces. Below the topic of Bakersfield Parking Impacts, Bakersfield Area Transit Impacts and Bakersfield Pedestrian and Bicycle Impacts are discussed. The volumes cited match those reported in the attached tables. So clearly the parking requirement is in error. It is further noted that the attached tables indicate in a footnote that "Egress is mirror of access." This means that there are an equal number of passengers (and associated vehicle trips) de-boarding the trains and leaving the stations. The daily trips reported in Table 3.2-5 on page 3.2-8 are incorrect for several reasons. For Bakersfield, from the attached tables, note that 1,400 autos are dropping off passengers. Once the autos drop off the passengers, they depart the station. That is 2,800 vehicle trips. Additionally, there are 2,300 motorized vehicles arriving to park, 400 rental cars being returned, and 400 taxis dropping off passengers. These total 5,900 vehicle trips for the boarding passengers, not the 4,590 daily trips reported in table 3.2-5. Plus there are an equal number of de-boarding related trips. So 11,800 daily trips for Bakersfield, and 11,200 daily trips for Fresno.

Bakersfield Roadway Segment Impacts are discussed on page 3.2-66 and quantified on the following page in Tables 3.2-21 and 22. In Table 3.2-21 that for the Existing Plus Project scenario, there is virtually no difference between the "existing" and the "existing plus project" average daily traffic volumes. Some of these segments are incorrectly referenced so we cannot identify (SR 178 between 23rd Street and Chester Avenue, and 23rd Street between 24th Street and F Street). However, none of the 11,800 vehicles a day traveling to or from the station are apparently traveling along these segments. Under the Future with Project scenario, Table 3.2-22, it is easier to tell what roadway segment the authors are referencing. On 23rd Street, between F Street and Chester Avenue, not one extra vehicle will be on the roadway as a result of the HST station being constructed. It seems inappropriate to conclude that no one will want to use 23rd and Q Streets to get to the station. We did not further look at the individual LOS results for the intersections, because with these ADT and station trip activity volume errors, the LOS results would not provide accurate or reliable data to base any conclusion. These errors alone are significant enough to warrant a restudy of traffic impacts.

The City of Bakersfield, Greater Bakersfield Separation of Grade District, and the County of Kern, in coordination with adjacent property owners, have been engaged in defining Specific Plan Lines for the alignments and limits of grade separations along the BNSF Railway at Kratzmeyer Road, Renfro/Jenkins/Reina Roads and West Beltway. The addition of the High-Speed Rail alignment alternatives along the BNSF corridor has required the development of alterations to the previous concept plans for the railroad grade separations and necessitated an accelerated time schedule for construction of the grade separations along Santa Fe Way.

Santa Fe Way is a significant regional north-south route, connecting metropolitan Bakersfield with the cities of Shafter and Wasco. As discussed at the July 14, 2011 meeting, HSRA desires to run the High-Speed train under the recently constructed Seventh Standard Road overhead, adjacent to the BNSF Railway. This alignment would restrict future widening of Santa Fe Way to four lanes (currently planned as an ultimate six-lane arterial) and would necessitate the construction of a wall along the westerly abutment. It was determined that the loss in north-south roadway capacity could be mitigated with the construction of a parallel route comprised of Burbank Street, Zachary Avenue, the West Beltway/BNSF/High-Speed Rail/Santa Fe Way grade separation, and Heath Road.

The West Beltway is planned as an ultimate six-lane freeway. For that reason, the overhead should be constructed with a substructure for this ultimate facility and a superstructure for either two or four lanes. The connecting roadway should provide a minimum of two travel lanes and paved shoulders.

With respect to the proposed Reina Road crossing, the circulation plan calls for a southerly relocation of the crossing with connections to Renfro Road and Jenkins Road to provide a more efficient perpendicular crossing of the railroad and to provide for north-south circulation/travel. Your plans show a Reina Road crossing so they need to be corrected to the Renfro/Jenkins crossing. The design for the Kratzmeyer Road and Renfro/Jenkins/Reina Roads grade separations should provide for a minimum 55 m.p.h. stopping sight distance on the vertical curves. Both roadways are designated as six-lane arterial streets and therefore a six-lane substructure should be provided to allow for future widening. The superstructure on Kratzmeyer Road and Renfro/Jenkins/Reina Roads should provide for a minimum of

Submission 725 (Robert Ball, Kern Council of Governments, October 13, 2011) - Continued

four lanes and two lanes, respectively. The overhead structures also need to provide for a minimum of four travel lanes, bike lanes, and a median on Santa Fe Way, adjacent to the High-Speed Rail.

Because the preliminary design work and right-of-way coordination have been accomplished by our local agencies and adjacent land owners, we recommend that the Santa Fe Way mitigation project (Burbank Street grade separation, West Beltway overhead and connecting roadways), the Kratzmeyer Road grade separation, and the Renfro/Jenkins/Reina Roads grade separation be accomplished as early delivery projects. We also recommend that the full scope of these early delivery projects, including design, right-of-way acquisition, utility relocation and construction, be accomplished by our local agencies through a Joint Agencies Agreement among the HSRA, the City of Bakersfield, the County of Kern, the City of Shafter and the Greater Bakersfield Separation of Grade District, with funding being provided by the HSRA.

Thank you for the opportunity to comment on the environmental impacts of this important project.

Sincerely,

Ronald E. Brummett
Executive Director



Robert Ball
Planning Director

Response to Submission 725 (Robert Ball, Kern Council of Governments, October 13, 2011)

725-1

See MF-Response-GENERAL-15. A consistent methodology will be used to evaluate the HMF sites in the San Jose-Merced EIR/EIS, and the analysis will account for the changes in land use and conversion of farmland. This analysis may be more detailed than either the Merced to Fresno EIR/EIS or the Fresno to Bakersfield EIR/EIS.

Submission 248 (Mike Maggard, Kern County Board of Supervisors, September 9, 2011)

BOARD OF SUPERVISORS

SUPERVISORS

- Jon McQuiston District 1
- Zack Scrivner District 2
- Mike Maggard District 3
- Raymond A. Watson District 4
- Karen Goh District 5



KATHLEEN KRAUSE
CLERK OF BOARD OF SUPERVISORS
Kern County Administrative Center
1115 Truxton Avenue, 5th Floor
Bakersfield, California 93301
Telephone 661-868-3585
TTY Relay 800-735-2929

SEP 09 2011

September 6, 2011

248-1

Mr. Roelof van Ark
Request to Extend CEQA/NEPA Public Comment
September 6, 2011
Page 2

The Kern County Board of Supervisors has been generally supportive of the High Speed Train which has been in formulation for many years. Affording the public and agencies an additional thirty (30) days for review of these voluminous, detailed documents is consistent with the high level of commitment the Authority has already shown to public involvement.

Sincerely,

Mike Maggard, Chairman
Kern County Board of Supervisors

Mr Roelof van Ark
Chief Executive Officer
California High Speed Rail Authority
770 L Street # 800
Sacramento, CA 95814

RE: Request to extend the CEQA/NEPA public comment period for the Draft Project Environmental Impact Report/Statement for the Fresno to Bakersfield Section High Speed Train (SCH# 2009091126) and Draft Project Environmental Impact Report/Statement for the Merced to Fresno Section High Speed Train (SCH# 2009091125)

Dear Mr. van Ark:

248-1

The Kern County Board of Supervisors requests that the current public review period ending October 13, 2011 be extended 30 days to November 11, 2011 for both Project level EIR/EIS documents (SCH# 2009091125 and SCH# 2009091126) being circulated for the California High Speed Rail System sections through the Central Valley. This request is made in accordance with CCR section 15088, 15105, 15203 and 15207 of the amended CEQA guidelines.

The system includes major components in Kern County including the Bakersfield Station, potential locations for a Heavy Maintenance Facilities and the railway alignments. The purpose of CEQA and NEPA is to provide an opportunity for the general public as well as other agencies with specific expertise to review the described project and analysis and provide comments and suggestions for mitigation and the avoidance or reduction of impacts. The courts have directed and the CEQA guidelines have reflected six separate policy grounds that justify the requirement that lead agencies must seek and respond to public comments: sharing expertise, disclosing agency analysis, checking for accuracy, detecting omissions, discovering public concerns and soliciting counter proposals (CEQA Guidelines 15200). The Authority, as lead agency, has chosen to present two sections of the project in two separate but related documents with formats that are not consistent. These two sections of the system involve impacts and interests to over 2.2 million Central Valley residents and deserve a robust and careful public review process to ensure compliance with the purpose of CEQA and NEPA, not merely the legal requirements. In addition, these documents are presented as project level rather than program level documents, which require a greater level of assessment and review.

The delay in providing complete, accessible copies for public review, the different formatting and analysis style for two completely separate documents for two different segments of the same project for compliance with both CEQA and NEPA and the state-wide scope of the project meet the test for "unusual circumstances" requiring an extended review period as noted in the CEQA Guidelines (15105 subdivision a). There are no limitations under NEPA for a lengthened review period.

MM TH LEGGEN EIR Chairman Ltr HSR

- cc: County Administrative Office
County Counsel
Planning and Community Development Department
Roads Department
HSRA Jeffrey Abercrombie, Program Area Manager, Central Valley
City of Bakersfield
Senator Rubio
Senator Jean Fuller
Assemblywoman Shannon Grove

Response to Submission 248 (Mike Maggard, Kern County Board of Supervisors, September 9, 2011)

248-1

See MF-Response-GENERAL-7.

Submission 465 (Jim Crisp, King County Farm Bureau, October 3, 2011)



10-03-11P03:04 RCVD

Kings County Farm Bureau

870 Greenfield Avenue • Hanford, California 93230
Telephone (559) 584-3557 • FAX (559) 584-1614 • www.kcfb.org

September 27, 2011

Chairman Umberg and Members
Board of Directors
California High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814-3359

**RE: Request for Extension – Public Comment Period –
Fresno to Merced/Merced to Bakersfield HSR Draft EIRs**

Dear Chairman Umberg and Members of the Board,

On behalf of its membership and the affected public, the Kings County Farm Bureau (“KCFB”), formally requests that the California High Speed Rail Authority (“Authority”) extend the period for public comment on the two draft environmental impact reports (“DEIRs”) recently released for public review as to the proposed Merced to Fresno segment and the proposed Fresno to Bakersfield segment of the proposed California High Speed Rail (“HSR”) system. Consistent with the letters on behalf of the J.G. Boswell Company and the California Farm Bureau Federation, and others, that the Authority recently received on this subject, KCFB requests an extension of the comment period that would allow for 6 months of review.

The Kings County Farm Bureau is a non-governmental, non-profit organization whose membership consists of nearly 800 farm, ranch and agribusiness families. For our members and the affected public, meaningful review and discussion of 30,000 pages of DEIR documents simply cannot occur on a 60-day timeline. The DEIRs are not user friendly and are difficult for the average farmer to access and review.

As massive and expensive as HSR is, and because many of its impacts are irrevocable, the Authority should reach beyond minimum statutory requirements for public environmental review. As a multi-billion dollar piece of public infrastructure that would be permanent and would have a long and broad footprint upon California’s agricultural landscape, it should not be said the Authority rushed to final design and construction. With this in mind, KCFB requests that the Authority keep open public review of the DEIRs for a period of 180-days.

Sincerely,

Jim Crisp
President

- 465-1
- Dino Giacomazzi
Secretary/Treasurer
- Board of Directors*
- Joseph Alcala
- Stan Azevedo
- Tyler Bennett
- Joshua Bettencourt
- Mary Cameron
- Theo de Haan
- Ryan Dooley
- Chuck Draxler
- John Ellis
- Pete Hanse
- Gary Lindley
- Michael Maciel
- John Rodrigues
- Steve Walker
- Bob Wilson
- Frank Zonneveld

Response to Submission 465 (Jim Crisp, King County Farm Bureau, October 3, 2011)

465-1

See MF-Response-GENERAL-7.

Submission 850 (Jim Crisp, Kings County Farm Bureau, October 13, 2011)

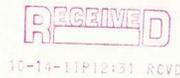


Kings County Farm Bureau

870 Greenfield Avenue • Hanford, California 93230
Telephone (559) 584-3557 • FAX (559) 584-1614 • www.kcfb.org

October 12, 2011

California High Speed Rail Authority
Fresno to Bakersfield DEIR/DEIS Comments
770 L Street, Suite 800
Sacramento, CA 95814



**Re: California High-Speed Train Project: Fresno to Bakersfield Section
Draft Environmental Impact Report/Statement Comments**

Kings County Farm Bureau ("KCFB") submits the following initial comments on the *Draft Environmental Impact Report/Draft Environmental Impact Statement* ("DEIR/DEIS") for the Fresno to Bakersfield Section of the California High Speed Train System (the "Project"). KCFB is a non-governmental, non-profit organization whose membership consists of nearly 800 farm, ranch and agribusiness families. As currently planned by the California High Speed Rail Authority ("Authority"), the Project will have destructive impacts on, among other things, Kings County's diverse agricultural landscape and agricultural economy.

As a preliminary matter, KCFB continues to maintain, as pointed out in its September 27, 2011 letter to the Authority, that the 60-day comment period was grossly inadequate to provide meaningful public comment on the Project. Additionally, it must be noted that the Authority has recently announced that a revised DEIR/DEIS will be issued for the Fresno to Bakersfield Section of the Project, and an additional official comment period will be provided in Spring 2012. The Authority has stated that the revised documents will "afford additional time to review the information contained in the current DEIR/DEIS." In light of this recent announcement by the Authority, KCFB is at this time submitting comments describing fundamental flaws and defects in the current document. KCFB, however, reserves the right to make additional and supplemental comments during the next comment period in Spring 2012.

KCFB provides the following comments for the Authority's consideration:

- The DEIR/DEIS fails to include an alignment that follows an existing transportation corridor.
- The DEIR/DEIS fails to accurately cite the intent of the Farmland Protection Policy Act (7 U.S.C. 4201-4209 and 7 C.F.R. Part 658).
- The DEIR/DEIS fails to meet the criteria set forth in the Farmland Protection Policy Act, to minimize the extent to which the Federal programs (the Project) contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses.
- The DEIR/DEIS fails to provide a comparative analysis on an alternative alignment that would avoid the unnecessary conversion of protected agricultural land.
- The DEIR/DEIS fails to appropriately address the requirements for public acquisition of Williamson Act (California Government Code §§51290 - 51295, 51296.6) contracted lands; and fails to describe how the Project will comply with stated requirements. Further, Williamson Act parcels are not appropriately identified.

Officers

Jim Crisp
President

Michael Miya
Vice President

Dino Giacomazzi
Secretary/Treasurer

Board of Directors

Joseph Alcalá

Stan Azevedo

Tyler Bennett

Joshua Bettencourt

Mary Cameron

Theo de Haan

Ryan Dooley

Chuck Draxler

John Ellis

Pete Hanse

Gary Lindley

Michael Maciel

John Rodrigues

Steve Walker

Bob Wilson

Frank Zonneveld

- The DEIR/DEIS fails to adequately and accurately identify and analyze the policies of the Kings County General Plan 2035 related to land use, planning, zoning and ag preservation.
- The DEIR/DEIS fails to demonstrate appropriate consultation/coordination with local government regarding the above-referenced policies.
- The DEIR/DEIS fails to adequately and accurately identify and analyze inconsistencies and conflicts between the Project and local government policies and plans. Such conflicts were predetermined and communicated to the Authority and FRA prior to the release of DEIR/DEIS.
- Where inconsistencies or conflicts exist, the DEIR/DEIS fails to describe the extent of reconciliation as legally required. (FRA Docket No. EP-1, Notice 5; U.S. Department of Transportation, Federal Railroad Administration, Procedures for Considering Environmental Impacts).
- The DEIR/DEIS fails to provide technical evidence, appropriate studies and support on statements related to specific concerns provided by the agricultural community in past correspondence and public information hearings, such as: that wind effects on bees and adjacent cropland would be negligible and not affect agricultural productivity, including pollination by bees, that noise from HST operation would be unlikely to affect confined animals, that the HST would not cause wind effects that would interfere with pesticide drift and application restrictions.
- The DEIR/DEIS fails to include technical evidence and studies on the effect of wind vortex and pesticide drift as requested by the agricultural community and local ag commissioner.
- The DEIR/DEIS fails to provide adequate, detailed and technical assessment of the HST impacts (physical, operational and economical) to agricultural cropland and facilities (dairies, processors, feedlots, etc.), including loss of productivity (present and future), loss of structures, loss of utilities and services, diminished property valuation, etc.
- The DEIR/DEIS fails to appropriately address specific economic impacts related to parcel severance, which render smaller parcels "too small to maintain economic activity."
- The DEIR/DEIS fails to appropriately address environmental impacts related to increased emissions from farming equipment as a result of farming inefficiencies created by access severance.
- The DEIR/DEIS fails to assess safety concerns related to transport of farm equipment on proposed overpasses.
- The DEIR/DEIS fails to adequately identify, analyze and mitigate the Project's adverse impacts to agriculture, both stated and omitted.
- The Project Description contained in the DEIR/DEIS is uncertain, incomplete and inadequate. As a result, the true impact and scope of the Project cannot be ascertained.

850-1

KCFB urges the Authority to not only fully consider and meaningfully respond to the initial comments set forth above, but to also re-open environmental review of the Draft EIR/EIS for the Merced to Fresno section and Fresno to Bakersfield section of the proposed rail line. As a multi-billion dollar piece of public infrastructure that would have a long and broad footprint upon California's agricultural landscape, it should not be said the Authority rushed to final design and construction.

Sincerely,

Jim Crisp
President

Response to Submission 850 (Jim Crisp, Kings County Farm Bureau, October 13, 2011)

850-1

See MF-Response-GENERAL-7.

Submission 647 (Donald Mills, Kings County Water District, October 10, 2011)

200 North Campus Drive
Hanford, CA 93230

10-10-11A00:07 RCVD

(559) 584-6412 Fax (559) 584-6882



October 6, 2011



TO : CA High Speed Rail Authority **DATE:** October 10, 2011
FAX # : (916) 322-0827 **TIME:** 8:39 a.m.
FROM : Don Mills **PHONE :** (559) 584-6412

Number of pages in this transmittal including cover: 3

If there is a problem with receipt of this transmission, or have received this transmission in error, please call our office and ask to speak to the SENDER : _____

Thank you!

VIA FAX 916-322-0827 & U.S. MAIL

**Kings County
Water District**

200 North Campus Dr.
Hanford, CA 93230
Phone (559) 584-6412
Fax (559) 584-6882
kcwdfz2o@cbglobal.net

Board of Directors
CALIFORNIA HIGH SPEED
RAIL AUTHORITY
770 L Street, Suite 800
Sacramento, CA 95814-3359

Re: Fresno to Bakersfield Draft EIR/EIS Segment of HST Project
Merced to Fresno Draft EIR/EIS Segment of HST Project
Kings County Water District Request for Extension of Comment Period

Board of Directors

Barry H. McCutcheon
President

Ernest A. Taylor
Vice President

Steven P. Dias

Joseph Freitas

Michael Murray

General Manager

Don Mills

Dear Chairman and Members of the Board:

Kings County Water District is located in the north east corner of Kings County and includes approximately 140,000 acres of small farms and dairies. This area is a thoroughly developed irrigated agricultural region with extensive networks of local and on-farm water infrastructure that has come into being over the last 130 years. The District Board of Directors and its staff has attempted in good faith to review the above DEIR/S. The document, however, is massive and consists of 17,000 pages when all technical memoranda are included. For many months prior to release of the DEIR/S the Authority provided little to no project details or answers. The typical pattern of the Authority's representatives was to decline to answer specific questions, but instead to refer affected parties and the public to await release of the DEIR/S for answers to questions.

647-1

Our preliminary review indicates that the DEIR/S is not in compliance with State and Federal law and provisions established to protect the public and the environment. It appears that the project will plow through scores and scores of farm properties in Kings County including Williamson Act land, prime farmland and other high value protected agricultural lands. In addition, the Authority has failed to make available to the public all documents referenced in the DEIR/S. Due to the unwillingness of the Authority to provide timely and relevant project information, the District as well as other parties in interest have had to rely on a necessarily cursory review of 17,000 pages of environmental documents in an attempt to gain a clear understanding of the project and the means by which the Authority plans to mitigate potential impacts (many of which are not disclosed at all or inadequately disclosed). The minimal review time of 45 days to consider 17,000 pages¹ of technical documents was extended by Authority staff an

¹The Fresno-Bakersfield DEIR/S and technical appendices presented on the Authority's web site total approximately 17,000. The Authority also released the Merced to Fresno DEIR/S and those documents total 24,119 pages, meaning the

Ground Water Recharge • Water Education • Water Conservation

Submission 647 (Donald Mills, Kings County Water District, October 10, 2011) - Continued

647-1

Board of Directors
CALIFORNIA HIGH SPEED
RAIL AUTHORITY
October 6, 2011
Page 2

additional to 15 days. However, this total 60 day time frame is a totally inadequate amount of time for the District and the public to conduct a thorough, meaningful review of the DEIR/S. Simply to read 17,000 pages in 60 days is the equivalent of reading a 280 page book every day for 60 days, and simultaneously being able to produce a meaningful critique of all that was read. These numbers show the absurdity of the 60 day review period offered by the Authority. In fact, the 60 day review period violates the public education, public participation and due process requirements of CEQA and other applicable law.

Clearly it is physically impossible for anyone to read the DEIR/S in the current 60 day review period, especially if that person lacks internet access and must rely upon a paper copy available at selected public libraries due to limited hours of operation. The main branch of the Kings County library in Hanford contains only three volumes of the DEIR/S for the Fresno to Bakersfield segment of the project. None of the technical memoranda are available. None of the environmental documents for the Merced to Fresno segment of the project are available. None of the documents are in a language other than English.

Therefore, in the public's interest, the District most strongly requests that the Fresno to Bakersfield segment DEIR/S and its companion Merced to Fresno DEIR/S comment review period be extended to a minimum of six (6) months, through mid February 2012, to ensure an adequate period of time is provided to the District and the public so that the public interest is upheld in protecting the public health, safety and welfare, and the environment. Similar requests have been made by the California Farm Bureau Federation, Kings County Farm Bureau, the County of Kings and other local land owners and communities that will be impacted, and the District hereby reinforces the need for an adequate DEIR/S comment review time as required by CEQA, the CEQA Guidelines, and by due process requirements.

Very truly yours,

KINGS COUNTY WATER DISTRICT

By: 
Donald R. Mills, General Manager

public and impacted parties were given 45, and later 60, days to review 41,000 pages of environmental documents about the biggest public works project ever undertaken in the history of the San Joaquin Valley, if not of the State.

Response to Submission 647 (Donald Mills, Kings County Water District, October 10, 2011)

647-1

See MF-Response-GENERAL-7 and MF-Response-GENERAL-1.

Submission 581 (Donna Alley, Le Grand Union High School District, October 12, 2011)

Merced - Fresno - RECORD #581 DETAIL

Status : Action Pending
Record Date : 10/12/2011
Response Requested :
Stakeholder Type : Other
Submission Date : 10/12/2011
Submission Method : Website
First Name : Donna
Last Name : Alley
Professional Title : Superintendent
Business/Organization : Le Grand Union High School District
Address :
Apt./Suite No. :
City : Le Grand
State : CA
Zip Code : 95333
Telephone : 209-389-9403
Email : dalley@lghs.k12.ca.us
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List : Yes

581-1

Stakeholder Comments/Issues :

I am attaching a list of possible impacts to Le Grand Union High School District.

**CALIFORNIA HIGH SPEED RAIL
 POSSIBLE IMPACTS TO
 LE GRAND UNION HIGH SCHOOL DISTRICT**

Economic:

o Loss of agriculture jobs
 Less farm ground in production equals less farm laborers.

o Loss of agricultural related jobs
 Custom jobs for employees residing in the district would be reduced.

o Loss of land value
 People choosing not to live by train routes will move out of the district. Potential development of land for new homes in the district will not be completed due to train routes and lack of people will to by homes next to train routes.

o Tax base loss to schools and communities
 Ground taken by CHSR means less property tax base going to the district which also equals less revenue for the district.
 Less farm ground in production means less property tax to the district.

o School Transportation costs increased
 65,000 miles driven per year, estimated 40,000 additional miles added to increase route multiplied by \$4.30/mile = \$172,000 additional dollars for increased mileage.
 State cuts in transportation of \$63,000 which means now this money must come out of revenue from our tax base which could decrease due to loss of ground taken by CHSR.
 Addition of 2 drivers at the rate of \$18.12 per hour for 6 hours equals \$44,227.30. This includes statutory benefits.

o Loss of ADA – declining enrollment
 75-80 homes are on a direct route or within ¼ of a mile of CHSR routes which is approximately 2.5 students per home equals 187.50 – 200 students ADA loss for Le Grand Union High School District. This is calculated on the Sante Fe Route through Le Grand. The revenue loss per student is 7893.86 plus categorical revenue loss of 2639.82. Total loss of revenue for LGUHSD is equal to 1,975,065 to 2,106,736.

o Loss of bonding capacity
 LGUHSD bonding capacity is at \$7.8million dollars at this time. Our bonding capacity would drop due to loss of taxes. This would effect future development of the high school facilities.

581-2

o More wells will be needed for water
 Drilling of more irrigation wells due to irrigation displacement could lower water table and quality of water at the school sites.

581-3

Environmental

o Noise
 Sante Fe route is less than ¼ of a mile from the school. Disruption in classroom instruction, outside P.E. activities, outside Sporting events.

o Turbulence/Vibrations
 Damage to building structures over time from the vibrations.

o Dust/Air quality

Submission 581 (Donna Alley, Le Grand Union High School District, October 12, 2011) - Continued

581-4

Dust causes illnesses such as Asthma/Valley Fever. We currently have 75 students diagnosed with asthma.

Safety

o Delayed emergency response
Delayed emergency response to possible closure of Le Grand Fire Department.

o Road closures
Hiring of addition drivers if possible, if not, the drivers would have to put in over time to get students home and they would be driving longer hours.

o Bus turn-a-rounds in fog/weather
Extremely dangerous driving conditions (Tule Fog). Delays and Cancellations would increase due to road closures. More bus turn-a-rounds or not picking up students due to bus not able to turn around on foggy days due to safety of students.

o Student's Driving to School
Teenage students are distracted when driving and now they could have to cross tracks or drive extra miles to get to school.

o Overpasses too small for farm equipment
Restricted visibility at the arch of each overpass. Weather conditions, fog rain will increase danger.
Width of overpass would have to accommodate transporting large farm equipment to allow passage of busses.

581-5

Legal

o Inadequate comment period compared to the size of the Project
Plans to proceed with this project are being pushed through without adequate time for public comment.
How is the public to glean through thousands of pages of impacts and give explicit details of variables that could impact LGUHSD?

581-6

o Lack of funding for the complete project
Cost projections for this project continue to rise on a daily basis.
Increase of electricity usage for CHSR can utilize more than the grid can currently produce.

Where is the money for more electricity production?
Where is the money for the state coming from? More school cuts?

EIR/EIS Comment :

Yes

Response to Submission 581 (Donna Alley, Le Grand Union High School District, October 12, 2011)

581-1

See MF-Response-GENERAL-8, MF-Response-GENERAL-4, MF-Response-SOCIAL-2, MF-Response-SOCIAL-5 and MF-Response-S&S-1.

581-2

With regard to regional water supply impacts, see MF-Response-WATER-4, which states that regional groundwater impacts would be negligible (and potentially beneficial). With regard to wells near school sites, it is possible that some existing irrigation wells would need to be relocated. Placement of these new wells would likely result in minor shifts in localized groundwater drawdown. Standard well construction practices avoid siting wells where they would cause interference with nearby existing wells. Although the need for new wells (if any) and their locations would not be known until after the right-of-way acquisition process, standard practices would avoid impacts to existing wells.

581-3

See MF-Response-NOISE-2 and MF-Response-NOISE-5. Text has been added to identify moderate noise impact at Le Grand Elementary School.

581-4

See MF-Response-S&S-1, MF-Response-AQ-1, MF-Response-S&S-2 and MF-Response-S&S-3.

581-5

See MF-Response-GENERAL-7

581-6

See MF-Response-GENERAL-18.

Submission 263 (Donna Alley, Le Grand Union High School District, September 12, 2011)

Le Grand Union High School District

12961 E. Le Grand Road • Le Grand, California 95333
Telephone: (209) 389-9403 • Fax: (209) 389-9414



Le Grand Union High School District

12961 E. Le Grand Road • Le Grand, California 95333
Telephone: (209) 389-9403 • Fax: (209) 389-9414



August 31, 2011

~~09-12-11P03:34 RC~~
09-12-11P03:35 RCVD

Mr. Roelof van Ark, CEO
California High Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

SEP 12 2011

Dear Mr. van Ark,

The planning by the High Speed Rail Authority to construct new high speed rail corridors through the jurisdiction of the Le Grand Union High School District has caused our Board of Trustees (Trustees) to become vitally concerned and motivated to protect our district

As described best by your authority, the proposed high speed rail system through California is "the largest public infrastructure project in the nation." While we have great respect for the magnitude of the project you are charged with carrying out, we must insist that you do so while taking into account the very real local impacts that will occur to our vital public education system if you proceed with the route alternatives now being advanced.

263-1

Because of this, we request a meeting directly with you as soon as possible. We have the following dates open, September 21, 2011 or September 28, 2011. It is critical that you be apprised of the impact our district will face as a result of the proposed alternatives you are advancing so that you have the opportunity to study ways to resolve the conflicts created by your Draft Environmental Impact Statement (DEIS).

We are well aware of your refusal to coordinate the project as required under the National Environmental Policy Act with Kings County. We are also aware that your representative was instructed to refuse to answer the Supervisor's questions at the last meeting requested by them. This is why we request a meeting directly with you to learn firsthand whether or not you will direct the authority's staff to consider the very real impacts our District will face.

On August 10, 2011, the Trustees adopted the attached resolution to make clear the board is prepared to insist this project be coordinated with our district to the maximum extent allowed by law. It is the responsibility of the Trustees to ensure that policies and plans implemented by the High Speed Rail Authority (HSRA) do not detrimentally affect our ability to provide an excellent educational system for our students and our community as a whole.

263-1

While it is well past the time to begin the process of coordinating your federal study with our District, we welcome the opportunity to begin this process today. It is critical that your agency become aware of how your plans as proposed will not only disrupt our ability to perform our duties as Trustees, but disrupt our school bus routes, impact the safety of our students, and create impaired property values directly affecting our ability to budget and fund, plan, and operate our District.

263-2

The District's jurisdiction includes mainly agricultural lands. The proposed routes now being considered by the HSRA will destroy existing agricultural enterprises affecting the citizens of our community, the tax base of our county and District and, hence, the annual budget of our District. This will place our District at a severe disadvantage to properly carry out our charge.

All of these issues must be analyzed in the DEIS so that the public and decision makers have the opportunity to weigh the detrimental impacts to our School District, as well as, the environmental impacts. However, none of our concerns have been taken into account in the publicly released versions of the draft study documents.

Administrative agencies, such as the HSRA, are required by both State and Federal statutes and regulations to coordinate with local governments in developing and implementing plans, policies and management actions. This is for the very purpose of insuring that when you pursue a project as large as the HSR, you do so without overlooking the critical impacts to vital public service entities such as our District. You cannot possibly know what these impacts will be to the Le Grand Union High School District without discussing the project directly with our Board of Trustees.

It is our desire to work with the HSRA in a unified and productive manner through the EIS process to resolve the conflicts your agency is required by law to consider. This type of discussion can only come with formal government-to-government meetings through the coordination process as required by the National Environmental Policy Act, to which your agency is obligated to follow.

Congress recognized the essential contribution of local governments to the NEPA process at 42 USC 4331(a):

"...it is the continuing policy of the Federal Government, in cooperation with State and Local governments, ...to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans."

Submission 263 (Donna Alley, Le Grand Union High School District, September 12, 2011) - Continued

Le Grand Union High School District

12961 E. Le Grand Road • Le Grand, California 95333
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Section (b) of this mandate further requires that the government do this "to improve and coordinate federal plans, functions, programs, and resources...." Coordination must be conducted with local government in order for the Congressional mandate to be properly implemented.

The State of California understands the coordination duty of agencies implementing the federal law of NEPA, as it has enforced this duty in the United States District Court for the Northern District of California. In *California Resources Agency v. US Department of Agriculture* (No. C 08-3884 MHP), the State successfully challenged the U.S. Forest Service's refusal to coordinate four federal forest management plan revisions with the State. The Federal Court ruled in the state's favor and required the Federal Agency to begin the NEPA process over, this time in coordination with the State.

It is our hope that the HSRA can avoid this mistake and will instead work with our District to resolve the conflicts with the project and our plans and policies. To date, the HSRA has not engaged the District on a level or in a manner that would address any of the concerns, conflicts, economic or technical analysis, or any appropriate alternatives as required under NEPA and its regulations.

As former Administrator Jennifer L. Dorn, during a 2004 Budget Hearing for the Federal Transit Administration, summarized the need to coordinate like this: "There is nothing more important to good transit investments than to have a good plan, to have that *coordinated at the local level*, and to be able to provide transportation for more services and more riders."

The District welcomes a meeting with you to begin this deliberative process and apprise you of the conflicts that must be taken into account by your agency. Please let us know which of the meeting dates will work best for you by September 14, 2011. If those dates are not convenient for you and your staff, please call me at (209) 389-9403 to arrange a convenient meeting date. We will make the District Board chambers located at 12961 E. Le Grand Road, Le Grand, California, 95333 available for these meetings.

You may also reach me in the following manner:

Email: dalley@lghs.k12.ca.us

Fax: 209-389-9414

Address: 12961 E. Le Grand Road, Le Grand, California, 95333

Le Grand Union High School District

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We look forward to meeting with you and your staff to begin coordinating on this project.

Sincerely,

Donna Alley
Superintendent
Le Grand Union High School District

cc Federal Railroad Administration
Department of Transportation, Secretary
U.S. Congressman Dennis Cardoza, District 18
Senator Anthony Cannella, District 12
Assembly Member Cathleen Galgiani, District 17
Merced County Supervisor John Pedrozo, District 1
Kings County Commissioners Court

Response to Submission 263 (Donna Alley, Le Grand Union High School District, September 12, 2011)

263-1

The Authority met with Le Grand Union High School District on February 22, 2012 and March 28, 2012.

The Authority has taken the issues raised by the District into consideration in its continued refinement of the project design. However, the Authority and FRA are responsible for weighing these considerations in the context of both the project purpose and need and project environmental impacts when making its decision on the project. That decision may or may not resolve all of the issues raised by the District in the manner in which the District would prefer. To the extent that it does not, it does not indicate that the Authority and FRA did not coordinate with the District, but rather that they were unable to resolve the issues while balancing other project concerns.

A summary of concerns raised by school districts and information from the Final EIR/EIS chapters, technical reports, and other supplemental information that address the above issues and concerns is included in Appendix 3.12-D, Summary of Issues/Concerns Affecting Schools. Also see MF-Response-SOCIAL-5.

263-2

See MF-Response-SOCIAL-5.

Submission 362 (Reggie Hill, Lower San Joaquin Levee District, September 27, 2011)

Merced - Fresno - RECORD #362 DETAIL

Status : Action Pending
Record Date : 9/27/2011
Response Requested :
Stakeholder Type : Government
Submission Date : 9/27/2011
Submission Method : Website
First Name : Reggie
Last Name : Hill
Professional Title : Secretary-Manager
Business/Organization : Lower San Joaquin Levee District
Address :
Apt./Suite No. :
City : Dos Palos
State : CA
Zip Code : 93620
Telephone : 209-387-4545
Email : lsjd@elite.net
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List : Yes
Stakeholder Comments/Issues : The Lower San Joaquin Levee District is an independent special district with obligations to the State to operate and maintain a State owned flood control project to specific standards. The District does not receive any funding from the State or Federal government agencies for this O&M. The landowners within the flood project boundaries are the only source of revenue for the District. Therefore, any reduction in privately owned lands reduces the District's revenue source, depleting our ability to meet our obligation for this flood project to the State. The District does not need to adapt to changes in O&M, the HSR needs to adhere to flood standards and obligations to the flood project. Changes to O&M criteria encroaches on public safety obligations and taxes the Levee District's ability to comply with its obligations. Modifications to the flood project through acquisition of adjacent properties reduces the Levee District's revenue of taxable properties. This reduction must be mitigated in perpetuity.
EIR/EIS Comment : Yes

362-1

Response to Submission 362 (Reggie Hill, Lower San Joaquin Levee District, September 27, 2011)

362-1

See MF-Response-WATER-1.

Submission 605 (Norman L. Allinder, Madera County, October 12, 2011)



RESOURCE MANAGEMENT AGENCY
Planning Department

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Director

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Comment Letter: California High Speed Train Project,
Merced to Fresno Draft EIR/EIS

October 12, 2011

California High Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

SUBJECT: Comments to the EIR/EIS Document from
Madera County

Dear Chairman Umberg:

Madera County would like to thank you for sending us a copy of your Combined Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the high speed rail. Madera County is a multi-purpose governmental agency representing all aspects of the public's health, safety, and welfare. The Planning Department is responsible for ensuring compliance with CEQA and NEPA to prevent the degradation of our built and natural environment.

Attached you will find a copy of Madera County's detailed comments. In general, we find the EIR/EIS fails to set forth a reasonable, detailed and accurate description of existing environmental settings, including both natural and man-made conditions, as required by CEQA and NEPA. Also, we find the report is lacking in qualitative and quantitative analysis in multiple sections as listed in our detailed comments attached here.

Because of this, Madera County would respectfully request that the document be amended to address our concerns and be re-circulated for further comments. We look forward to participating in the necessary revisions and receiving the amended analysis of the aforementioned sections that correct the deficiencies in this document.

Very Cordially,

Norman L. Allinder
Planning Director

NLA/prs

Attachment: Comment Letter

605-1

The Madera County Planning Department has reviewed the Draft Merced-Fresno Environmental Impact Report/Environmental Impact Statement for the California High Speed Rail project. The EIR/EIS fails to set forth a reasonable, detailed and accurate description of existing environmental settings, including both natural and man-made conditions, as required by the California Environmental Quality Act and National Environmental Policy Act. The Merced-Fresno EIR/EIS fails to meet the requirements of CEQA Guideline 15121, in providing a detailed informational document. In numerous instances the document fails to describe impacts upon Madera County, and sufficient mitigation measures as noted in our comments below.

The comments contained herein provide evidence that the required data and the quantitative and/or qualitative analysis used in the Draft EIR does not meet the requirement of CEQA/NEPA in a comprehensive and complete manner and to the level of clarity that is required by the CEQA Guidelines. There appears to be a lack of reasoned good faith analysis as to the project-specific and cumulative impacts and lack of reasonable mitigation measures in the Draft EIR in compliance with the CEQA Guidelines. This is a major inadequacy in the EIR/EIS.

605-2

Such inconsistencies, disconnects, and piecemealing are exactly the reason why the courts have criticized EIRs and State Legislature included in the CEQA regulations found in Public Resources Code § 21065, a project is defined as the "whole of an action, which has a potential for resulting in either a direct physical change in the environment... or a reasonably foreseeable indirect physical change in the environment...". CEQA defines "piecemealing" as environmental review of a project in stages where a public agency has not taken the whole of an action into consideration. The Merced to Fresno section EIR/EIS cannot permissibly allow the San Jose to Merced section EIR/EIS to continue to analyze and provide for mitigation at a later stage in the decision making process as intended by Merced to Fresno section EIR/EIS.

The decision-making process is further confused in this EIR/EIS by the stated intent of the California High Speed Rail Authority Board on page 6-1 "The Authority and Federal Railroad Administration will consider both the Merced to Fresno HSR Final EIR/EIS and the Fresno to Bakersfield Final EIR/EIS and select a preferred HMF alternative." This statement does not include the San Jose to Merced section EIR/EIS to which additional information to support a decision is theoretically contained in the piecemealing effort.

CEQA does not allow a lead agency to defer future studies and mitigation measures. Throughout the Draft EIR/EIS there are mitigation measures as described within this comment letter that clearly defer future studies and mitigation measures.

This is a clear violation of Public Resource Code 21003.1(b), and has been adjudicated a number of times. Specifically in *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, *Watsonville Pilots Assn. v. City of Watsonville* (2010) 183 Cal.App.4th 1059, and *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307. All concluded that a lead agency cannot defer mitigation or studies to a later date.

Submission 605 (Norman L. Allinder, Madera County, October 12, 2011) - Continued

Comments

605-3 Interactive Community Involvement

Within both the Noise and Vibration and Aesthetics sections, it is noted that the HSR Authority will work with the affected communities to develop performance criteria for noise mitigation and to also develop design guidelines. It is important to note that these performance criteria and design guidelines should have already been established as detailed mitigation measures in the Draft EIR/EIS. The actual mitigation measures must be developed and specified within the EIR/EIS and to do otherwise is considered piecemealing of the project's environmental analysis.

The Authority must ensure that the affected communities in Madera County are allowed open, fully disclosed public workshops, wherein a collaborative process results in community-driven performance criteria. It has been common planning practice for the past twenty years to utilize interactive public workshops in order to generate plans (in this case, noise abatement performance criteria and design guidelines).

In addition to the above mentioned concerns, the EIR/EIS does not meet the requirements of Section 15126.4(a)(1)(b) of the CEQA Guidelines and CEQA case law.

605-4 Impacts to Schools

Tables 5-1 and 5-2 of the Noise and Vibration Technical Report identify noise sensitive areas along the UPRR alignment in Merced. Franklin School in Merced is called out as a noise sensitive use at 1,950 feet away from the rail alignment. Within the Madera Unified School District, Sierra Vista Elementary, Washington Elementary School and Parkwood Elementary School are all located within 1,547 feet of the proposed UPRR alignment. Within the Chowchilla Elementary School District, Fairmead Elementary School is within 1,400 feet of the proposed Union Pacific Railroad alignment. However, none of the Madera Unified School District and Chowchilla Elementary School District schools, all substantially closer to the UPRR alternative than Franklin School, are identified as noise sensitive uses. These schools must be identified in the EIR/EIS as noise sensitive uses and the related impacts must be mitigated. All other schools not listed as moderately impacted within Madera County must be identified in the EIR/EIS and the related impacts must be mitigated.

605-5 Madera County schools serve as hubs of neighborhood activity that draw substantial pedestrian, bicycle, automobile, and bus traffic. The school districts within the County operate extensive systems of bus routes. We are concerned that the construction of the proposed project could disrupt school transportation activity. Potential construction transportation impacts are discounted because they will be "temporary". With a project of this magnitude, construction and corresponding transportation disruptions could potentially occur over a substantial period of time. The Draft EIR/EIS does not require the preparation of specific construction/traffic management plans for the purpose of maintaining pedestrian, bicycle and public transit access and routes, and managing construction-related traffic and parking (see pages 3.2-106 and 107). Such plans, however, should include specific provisions for coordination with school districts with respect to bus routes, pedestrian and bicycle routes, and automobile traffic to schools.

605-6 Transportation

The Traffic Impact Analysis provides a great deal of discussion of traffic issues in Merced and Fresno, and includes more detailed mitigation measures. However, the traffic analysis is lacking regarding both the urban and rural areas of Madera County, including the cities of Chowchilla and Madera. Madera County will experience the greatest amount of rail track when compared to the other counties analyzed in the Draft EIR/EIS; however, the resulting transportation and circulation impacts have not been analyzed and addressed with mitigation measures similar to either the City of Fresno or the City of Merced. Where rail alignments are proposed, existing transportation improvements involving overcrossings and interchanges will experience a significant increase in cost in order to span the HSR right of way. This resulting impact upon planned transportation improvements must be identified and addressed in the EIR/EIS.

605-7 The Draft EIR/EIS fails to discuss potential impacts the HSR system may have upon both the Chowchilla Airport and the Madera Municipal Airport. The Draft EIR/EIS concludes that the HSR system will result in the reduction of passengers at the Fresno and Merced airports, but fails to include the Chowchilla and Madera airports in the analysis. The impacts upon the Chowchilla and Madera airports must be identified in the EIR/EIS and appropriately mitigated.

605-8 The EIR/EIS must discuss the impacts of material hauling and other construction upon rural County roads. Many existing roads are in poor condition and the addition of material hauling vehicles and other construction equipment may adversely affect rural roads. Deterioration impacts to rural roads must be identified. Rural roads adversely damaged by material hauling throughout the entire County must be upgraded to handle the increase in material hauling.

605-9 Road 20 has become and will become an increasingly important regional road with the recently constructed Highway 99 and Avenue 21 1/2, Road 20 interchange. County planning efforts have resulted in a plan for the community of Fairmead, wherein Road 20 will be relied upon as an important regional route providing access from the community of Fairmead to Highway 99 and the City of Chowchilla. Road 20 must be kept open through the use of an overcrossing or undercrossing. The document also discusses the closure of Road 14 west of Chowchilla, this is currently a collector, and must be maintained, it is vital to Madera County for the continued economic growth of the City of Chowchilla.

605-10 The EIR/EIS fails to identify the existing Madera Amtrak station located at 18770 Road 26, in Madera Acres, and its importance to intercity rail travel for the residents of Madera County. The Draft EIR/EIS should include a discussion of potential impacts to the station, along with necessary mitigation measures in order to mitigate the impacts. A discussion also should be included on how the high speed rail system will impact Amtrak ridership in Madera County.

605-11 Local irrigation and water districts will experience a loss of access to irrigation facilities. Specific impacts must be identified, along with specific mitigation measures to address the impacts. The Draft EIR/EIS fails to adequately address the loss of road access to school districts, complications caused to school bussing, and emergency services related to school access. The Draft EIR/EIS must specifically address each impact and provide detailed mitigation measures.

605-12 Many of the overcrossings identified in the rural and urban areas of Madera County involve a deviation in the existing road alignment as they cross over the rail right of way. This would create a design hazard during the fog season for motorists since many of the roads in Madera

Submission 605 (Norman L. Allinder, Madera County, October 12, 2011) - Continued

605-12 County are relatively straight. A rural road that suddenly deviates from its normal course to go over the rail right of way will surely be more dangerous, especially in dense fog. Design features and other potential mitigation measures must be identified to remedy this potential impact.

605-13 Safety & Security

The United States currently does not have any standards for a High Speed Rail system, as stated in the Draft EIR/EIS. Madera County would strongly suggest the Authority begin the process of adopting standards and place the EIR/EIS and the project on hold until the Authority has an adopted Safety & Security standard. It is inadequate to simply rely upon another nation's protocol.

The UPRR alignment has always been a safety concern for children having to cross the tracks from their commutes to school in Madera County, the City of Madera, and the City of Chowchilla. This safety concern should be incorporated into the design criteria for the A-2 alignment. The Authority must insure appropriate safety crossings are provided throughout the system, for safe pedestrian access. Communities in Madera County situated along the UPRR alignment have historically been challenged with difficult east-west connections, wherein project design criteria can help to ameliorate this condition.

605-14 Socioeconomics

As currently conceived, Madera County stands to gain no economic benefit from the High Speed Rail project. We are the only County impacted by the High Speed Rail project without any potential plans for a station in the near or long term. Madera County gains no economic benefit, yet bears the burden of having the most track mileage than any other County in the State. Madera County will see a negative economic effect from the facility resulting in higher cost for development around the facility, and a burden on the County's main economic base, our agricultural community.

605-15 The CHSRA Board and the FRA should identify this impact, and mitigate the negative economic effects the facility will place on Madera County by placing the Heavy Maintenance Facility (HMF) within Madera County in one of the three identified sites. By placing the HMF within Madera County, you insure that those most impacted by the facility also have the potential to see the largest benefits of the project. Madera County is situated in the ideal location for the HMF. We are located in the center of the system at the connection of the east-west route to San Francisco. The three sites meet the requirements set forth by the Authority Board, with the necessary work force in the region to serve the project. Each site has a great benefit to the State by having one ownership entity eliminating a costly and timely process in negotiating the final agreement for placement of the HMF. Simply put, Madera County is at the center of the system, bears the greatest impact with the least benefit to our citizen; and, therefore, it is only appropriate that the Authority select Madera County as the location to place the HMF.

605-16 There are numerous discussions within the document on providing new housing, in the form of purchasing homes, or constructing new homes; however, there is no discussion on the potential impacts to the environment that could be caused by the need to construct a number of new housing units as required by the mitigation measures. This impact should be disclosed and analyzed as a part of the EIR/EIS.

605-17 The loss in property values within affected communities will be substantial. The Authority should consider the use of aesthetic guidelines, the use of linear parks, and the use of park and ride lots underneath aerial guide ways and alongside at-grade track in order to lessen the impacts rail system improvements may have on adjacent neighborhoods. In communities most affected, public improvements, underneath guide ways and alongside at-grade track may have a positive effect on property values. Such improvements will help to avoid blight conditions in the affected communities, including Fairmead and Madera Acres. The operations and maintenance costs must be addressed of all improvements installed by the Authority, including mitigation.

605-18 The Draft EIR/EIS does not identify significant employers that may be impacted by the proposed rail alignments. In particular, the following businesses should be identified:

- Azteca Milling (two locations at 23865 Ave. 18 and 20100 Fairmead Blvd.)
- Church and Dwight Co. (31266 Ave. 12)
- Royal Madera Vineyards (7770 Rd. 33)
- Gallo Winery facility (31754 Ave. 9)
- Growers Fig Company (23400 Rd. 24)
- Papagni Vineyard (9505 Rd. 30 ½)
- Domries Enterprises (12281 Rd. 29)
- National Hardware Supply (12201 Hwy. 99)
- Talley Transportation Inc. (12325 Rd. 29)
- PR Farms Inc. Almond Plant (17710 Rd. 24)
- Warnock Foods (20237 Masa Street)
- Lockwood Seed & Grain (26777 Chowchilla Blvd.)
- Los Angeles Honey Company (15598 Rd. 29)
- Steel Structure Inc. (28743 Ave. 15 ½)
- JW Myers Inc. (546 E. Olive Ave.)
- Holiday Inn Express (309 Prosperity Blvd)
- Farnesi's (230 E. Robertson Blvd)
- Valero Truck Stop (18208 Ave. 24)
- Certaineed (17775 Ave. 23 ½)
- Fagundes Dairy (23726 Road 12)
- Fagundes Dairy #6 (23732 Road 12)
- Valley Calf, LLC (10654 Avenue 24)
- Organic Calf (12467 Avenue 24 1/2)
- Red Top Ranch (22153 Road 9)
- Gill Ranch (8690 Highway 152)
- Law Ranch/ Plant (22648 Road 9)
- Machado Ranch (12238 Highway 152)
- Troost Ranch (Road 16 & Highway 152)
- Turk Ranch (17298 Highway 152)
- Cornaggia Farms (13677 Avenue 20 ½)

The EIR/EIS should discuss the benefits and importance of these employers to the communities of Madera County. Resulting impacts upon the communities of Madera County should be identified and mitigated. Mitigation may include relocation and/or design considerations to avoid adverse impacts to major employers.

Submission 605 (Norman L. Allinder, Madera County, October 12, 2011) - Continued

605-19 | The Draft EIR/EIS correctly identifies the community of Fairmead and Madera Acres as "communities of concern" that should be individually addressed in regards to potential impacts imposed by the proposed project and necessary mitigation for those impacts. The document also provides detailed community setting information regarding the impacted areas of the Cities of Fresno and Merced. However, the document fails to provide a similar detailed description of the community setting of the Cities of Chowchilla and Madera. For both the City of Madera and the City of Chowchilla, it is important to note that no benefit will be gained by a station in either city. Without providing more detailed information of these two cities in the Community Setting of section 3.12 of the Draft EIR/EIS, the High Speed Rail Authority has not provided an adequate baseline from which to assess the potential impacts to these cities.

The City of Chowchilla currently experiences a 16.5% unemployment rate and the City of Madera experiences a 20.2% unemployment rate (California Employment Development Department, 2011). These unemployment rates can be compared with those of large unincorporated communities in Madera County, including Yosemite Lakes Park and Bonadelle Ranchos/Madera Ranchos with 3.5% and 4.4% unemployment, respectively (California Employment Development Department, 2011). This economic disparity between communities in Madera County is significant, wherein the communities that will be directly impacted by the project represent some of the most economically disadvantaged communities in Madera County. Impacts that would occur disproportionately would include, but are not limited to, the following:

- Construction impacts of all types
- Street shifts and reconfigurations
- Noise
- Visual Changes, glare, and shadow
- Displacements of businesses providing walkable shopping and service commercial opportunities
- Loss of walkable employment opportunities
- Degradation of existing neighborhoods
- Degradation of pedestrian environment due to noise increases in a community where pedestrian activity is otherwise very high
- Reductions to property values

The EIR/EIS must thoroughly assess the above noted impacts and others identified. A clear issue of environmental justice exists for the City of Madera, City of Chowchilla, and the communities of concern within unincorporated Madera County. Mitigation measures that address the disproportionately high jobless rates and the above noted impacts (and other impacts identified) must be included.

605-20 | The communities of Parkwood and Parksdale, both located adjacent to the City of Madera, have not been discussed in the Draft EIR/EIS. Parkwood and Parksdale are identified as Community Development Block Grant Target Income Communities that currently experience unemployment rates of 20.2% and 37.2%, respectively. The EIR/EIS must identify all potential impacts to these communities, along with necessary mitigation measures.

605-21 | Public Utilities and Energy

Discussion is included in the Draft EIR/EIS regarding the recycling of construction and demolition waste, and that this would minimize the impact of solid waste generated from construction upon the landfills utilized. A mitigation measure must be included to require the recycling of construction and demolition waste in order to lessen the impacts upon the Fairmead Landfill,

605-21 | which serves the entire County, including both the City of Chowchilla, City of Madera, and all unincorporated areas.

605-22 | The Draft EIR/EIS fails to adequately analyze the impact the High Speed Rail system may have upon the energy supplied to rural communities and agricultural areas. The electrical power supply to many rural areas is susceptible to blackouts due to limited and aging infrastructure.

605-23 | Biological Resources and Wetlands

The proposed project will require the substantial use of soil, aggregate, and ballast materials for construction. Of particular concern is the use of soil as fill material for project components such as road overpasses and other raised structures. The introduction of non-native soil to the project area must be analyzed regarding the potential for non-native soil to introduce invasive species to habitats affected by the project. The use of local fill materials may help to mitigate potential impacts associated with non-natives soils and invasive species, but cannot be determined due to the lack of analyses provided in the Draft EIR/EIS.

605-24 | Station Planning, Land Use, and Development

The Draft EIR/EIS has indicated that the impact to Land Use by the HSR is less than significant and no mitigation is required. This is not conceivable. The EIR/EIS has stated that the Station locations will result in increased development around its facility, which will have an impact, it is not appropriate to simply dismiss the growth inducing impact of the facility by stating the impact would be less than significant. Madera County would strongly urge the Authority to do the necessary analysis to determine the growth inducing impacts of the HSR and disclose them within the Draft EIR/EIS.

The Draft EIR/EIS focuses its attention on the physical use of resources such as rock, aggregate, steel, fossil fuels, and only addresses land use changes as an afterthought. The EIR/EIS analysis of land use conversion concerns itself with stations, ancillary facilities and the HMF while ignoring the irreversible impacts on rural land use particularly in Madera County.

It is undeniable that the rail alignment will impact the land use and development of all jurisdictions involved. The alignment has the potential to further divide Madera County, and make development costs prohibitive in numerous locations. We would ask that the impacts to land use be identified and appropriate mitigation measure be provided.

605-25 | Section 3.13 fails to identify and provide a discussion of adopted land use plans in Madera County that will be impacted by the alternative alignments. All of the UPRR and Burlington Northern Santa Fe alternatives will significantly impact the State Center Community College Specific Plan, which is located along Avenue 12 south of the City of Madera, between the BNSF and UPRR railways. Significant community planning has also been undertaken for the community of Fairmead, including a recently adopted Environmental Justice Planning Grant from the Department of Transportation called the Fairmead Neighborhood Mobility and Revitalization Strategy. The UPRR and Hybrid alternatives may significantly impact the Strategy.

Section 3.13 involves a more in-depth analysis of impacts associated with land use plans in the cities of Merced and Fresno as a result of new stations. While no new stations are planned for the cities of Chowchilla or Madera, potential impacts may be significant in terms of the disruption of existing plans, including the recently adopted City of Madera General Plan and the City of

Submission 605 (Norman L. Allinder, Madera County, October 12, 2011) - Continued

605-25 | Chowchilla General Plan. The potential effect upon land use surrounding the proposed alternatives is necessary for both Madera and Chowchilla. Such an analysis is warranted in order to understand the potential for significant impacts to the cities' General Plans.

Funding to amend the affected plans in concert with proposed rail improvements will be necessary. Plans must be amended with the use of community-driven workshops and other planning activities.

605-26 | On page 2-22, the Draft EIR/EIS discusses the State Route 152 (SR 152) alternative, which would maintain a distance of 400 feet from the edge of the Highway. The County is concerned of the growth-inducing effects this alternative may promote along SR 152. A 400 foot separation between both the rail right of way and the highway would create a long strip of property that would become attractive to highway commercial development. These new remnant parcels also have the potential to adversely affect SR 152 and County roads with access to SR 152. The County has been engaged in discussions with the Department of Transportation, who have also echoed the concern that the creation of remnant parcels may result in excessive growth impacting existing intersections and interchanges along SR 152. Access requirements for the remnant parcels may result in unsafe access to and from the remnant parcels, which will adversely affect SR 152 and the County roads that serve the Highway.

The Department of Transportation informed the County of a solution to the problem created by a rail alignment located 400 feet from SR 152. By locating the rail alignment 72 to 78 feet from SR 152, ample room would be allowed for the future growth of SR 152 and the remaining strip of land between the rail right of way and the Highway would not be viable for any type of development. The County agrees with the design solution promoted by Caltrans and believes such a design will significantly reduce potential growth inducing impacts.

605-27 | Aesthetics & Visual Quality

All alignments would create impacts that are significant after mitigation measures are incorporated. That does not allow the Authority to simply provide a statement of overriding considerations; appropriate mitigation measures must still be included. Unfortunately, the Draft EIR/EIS does not provide an adequate level of detail for the mitigation measures. There is no discussion related to graffiti abatement being provided by the HSR to mitigate the impact caused by the proposed structures. That should be discussed. There is no identified impact for Madera County for blocking views of the Sierra Nevada Mountains by the HSR. We would strongly urge the Authority Board to re-consider the proposed mitigation and direct staff to provide the necessary level of detail.

Lowering of the train through the Cities of Madera and Chowchilla from 50 to 25 feet would significantly reduce the visual impacts of the aerial guideway through the affected communities. Visual impacts to other affected communities, including Fairmead, Parksdale, and Parkwood, could also be lessened.

605-28 | Regional Growth

The Draft EIR/EIS has stated that the HSR would not create regional growth but would serve the existing and planned populations of the Central Valley. Substantial evidence must be utilized to substantiate this statement. Currently, Madera County has some of the lowest home costs in the State. The presumption that the HSR would not affect regional growth by allowing an individual to travel from the City of Fresno station to downtown San Francisco in 90 minutes is not

605-28 | accurate. This would allow an individual to work in San Francisco where the salaries are often three times than a similar job in the San Joaquin Valley, while being able to commute in less than two hours while living in Madera, Fresno, Chowchilla, and Merced. Please address this impact in the Fresno-Merced Draft EIR/EIS for the HSR project.

605-29 | Air Quality and Global Climate Change

Air quality in Madera County and within the entire San Joaquin Valley Air Basin is a serious area of concern. The health impacts resulting from air quality have been disproportional to other parts of the State. Therefore, it is important that all potential impacts be identified and addressed with detailed mitigation measures. The Draft EIR/EIS states that all quarries to be utilized for ballast materials are located outside of the San Joaquin Valley Air Basin. The Draft EIR/EIS does not include a requirement that in order to reduce the air quality impacts associated with the construction of the facility that all materials must come from within the three-County region. The use of local materials will decrease impacts associated with air quality and greenhouse gases and also serve to promote economic activity for local economies.

605-30 | The Draft EIR/EIS also claims the HSR will improve non-point source pollutants due to a decrease in vehicle miles traveled (VMT). However, there is little discussion of how this would occur on a project specific basis. There is no discussion as to how Madera County would see a reduction in VMT due to the HSR. In fact, Madera County believes it will see an increase in VMT, since traffic will increase to stations in Merced and Fresno. Also, the closure of important County roads, including Road 14 and Road 20 as noted in this letter under *Transportation*, will require an increase in VMT and the associated air quality impacts. The air quality impacts associated with increased VMT in Madera County must be identified and addressed in the EIR/EIS.

The Draft EIR/EIS also does not disclose, analyze, or appropriately mitigate particulate matter from dust caused by the train traveling at high speeds through agricultural areas and also the fugitive pollutants dispersed from the vortex (wake) of the train.

605-31 | Noise and Vibration

The Noise and Vibration Technical Appendices fail to identify the Madera County noise and vibration standards established in the 1995 Madera County General Plan. Please address Madera County standards in the EIR/EIS.

605-32 | There is no detail in the Draft EIR/EIS that quantifies the total exposure of noise to sensitive receptors. While the Ldn (average equivalent sound level over a 24 hour period) for residential is provided, it lacks meaning and clarity given the extent of the proposed HST operations. There is no analysis of the period of time that the increasing, peak, and decreasing noise from the train will be experienced during the daily operations throughout Madera County or the cities of Chowchilla and Madera.

According to Figure 4-1 within Noise and Vibration Technical Report, noise increases with distance until the train arrives at a specific location, leading one to assume that the peak noise lasts while the train passes, then diminishes at the same ratio. The Draft EIR/EIS does not explain what this period is and how that may impact a sensitive receptor. At 220 miles per hour to travel the distance between a nominal ambient noise level of 60 dBA, it will take about 700 feet. At 220 miles per hour, that is 2.2 seconds. For a train 660 feet long, it will take 2 seconds

Submission 605 (Norman L. Allinder, Madera County, October 12, 2011) - Continued

605-32 | to pass that same spot at peak noise levels and another 2.2 seconds passing to return to ambient noise levels. In other words, about 6.4 seconds of noise each for train passing by the sensitive receptor. The longer trains (1,320 feet) will take about 8.1 seconds per train. With 21 trains per hour that is one train every 2.8 minutes, for 6.4 seconds. That frequency of continual noise could quickly rise to the level of "annoying" as the criteria of FRA suggests. This impact must be properly analyzed and mitigation measures must be identified.

605-33 | The noise and vibration impacts upon the rural and agricultural areas of Madera County have not been adequately addressed in the Draft EIR/EIS. It is important to note that the level of significance for noise and vibration impacts in agricultural and rural areas should be considered differently than the level of significance recognized in metropolitan or urban areas where higher noise and vibration levels can be expected. The agricultural and rural areas of Madera County are significantly more susceptible to changes in noise and vibration levels, as existing conditions involve minimal noise and vibration disturbances. Please note that a significant effect on the environment as defined in the CEQA guidelines includes potentially substantial adverse change in physical conditions. Regarding noise and vibration, adverse changes relating to noise and vibration in agricultural and rural areas should be examined separately from those impacts in urban areas.

605-34 | The Draft EIR/EIS fails to discuss impacts the facility may have upon poultry and dairy facilities due to excessive noise and vibration. Mitigation measures must be provided to protect these facilities adjacent to rail right of way. Long term effects of vibration and electrolysis to pipelines and agricultural irrigation wells have also not been analyzed and properly addressed.

605-35 | The Fresno-Merced Draft EIR/EIS for the High Speed Rail project fails to identify numerous impacts that will occur to Madera County's agricultural production. There was no discussion related to the impacts on farms from the HSR cutting across their lands, and the effects on replacement of wells, pipelines, and irrigation systems. This must be discussed and mitigation measures must be included. There was little to no assessment on loss of sales tax from agricultural conversions in Madera County. Please provide a detailed estimate on the loss of sales tax from agricultural-conversion in Madera County, and provide appropriate mitigation measures for that impact.

605-36 | Agriculture
 The Fresno-Merced Draft EIR/EIS for the High Speed Rail project fails to identify numerous impacts that will occur to agricultural production within Madera County. Agricultural mitigation measures should be coordinated with local landowners and farm agencies. The following issues pertaining to agriculture require attention in the EIR/EIS:

- There is no discussion in the Draft EIR/EIS related to the impacts on farms from the HSR bifurcating farmland, and the effects relating to the replacement of wells, pipelines, and irrigation systems. This must be discussed and mitigation measures must be included to ensure farming operations are kept intact and operational.

605-37 |

- There was little to no assessment on the loss of sales tax from agricultural conversions in Madera County. Please provide a detailed estimate on the loss of sales tax from agricultural conversion in Madera County, and provide appropriate mitigation measures for that impact.

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605-38 |

- No analysis has been performed in the Draft EIR/EIS regarding the increase in water costs on agriculture. This increase in cost would result from the increased mileage required of local irrigation district vehicles due to the loss of existing access roads.

605-39 |

- The Draft EIR/EIS does not discuss and identify how the realignment of agricultural water delivery systems will affect agriculture.

605-40 |

- The Draft EIR/EIS does not discuss the impact the facility may have upon the Madera County Right to Farm Ordinance.
- There is no mention in the Draft EIR of any impacts to agricultural spraying other than aerial application.
- The potential impacts of normal agricultural practices upon train passengers was not analyzed (i.e. spraying of agricultural crops).
- The Draft EIR must discuss and identify existing acres in agricultural production potentially removed from agricultural production due to the inability to use proper agricultural practices along rail right of way.

605-41 |

- Please revise the Draft EIR to include analysis based upon capital improvements made by individual landowners in addition to NRCS soil classification.

605-42 |

- Impacts to farmhouses and service buildings have not been identified. These impacts need to be disclosed and appropriately mitigated within the EIR.

605-43 |

- A threshold of significance regarding the level of impacts to farming operations must be established. The threshold must be supported by thorough research of current farming operations.

605-44 |

- Potential pollination problems due to the vortex caused by the high speed train have not been analyzed. This impact needs to be disclosed and appropriately mitigated within the EIR/EIS. This could result in significant economic loss to permanent croplands.

605-45 |

- Road closures and very large overcrossings in agricultural areas are an issue of concern. These large overcrossings and raised tracks will have impacts upon climatic conditions, (Temperature & Wind patterns). This impact needs to be disclosed and appropriately mitigated within the EIR, specifically how agricultural areas will be impacted.

605-46 |

- Liability problems may be caused by the mixture of agriculture and high speed rail. This impact needs to be disclosed and appropriately mitigated within the EIR.

605-47 |

- The inability for impacted farmers to acquire operational financing is of concern. This impact needs to be disclosed and appropriately mitigated within the EIR.

605-48 |

- The impacts to local dairies when lands are severed by rail alignments must be thoroughly analyzed. The re-permitting of mandatory waste water discharge permits is of particular concern. Additional challenges may be faced acquiring new permits. This impact needs to be disclosed and appropriately mitigated within the EIR/EIS.

605-49 |

The project has the potential to impact Madera County's Williamson Act program. Many existing farming operations rely on the financial relief that the Williamson Act provides. HSR will bisect many parcels bringing them below the minimum allowable acreage for the Williamson Act, therefore, creating a material breach of the conditions of the property owners' contracts. With that, a monetary penalty exists, which could severely impact farmers. In addition, the operation would be required to remove itself from the program, removing the beneficial tax reductions of the Williamson Act, making it increasingly difficult to conduct profitable agriculture within the area.

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Williamson Act contracts are between the County and property owners, not between property owners and the State Department of Conservation. The project will impact existing Williamson Act contracts and require significant changes to be initiated by the County. The EIR/EIS must account for this impact to the County and provide appropriate mitigation.

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605-49

Air quality and dust impacts to lands directly adjacent to the rail alignment would potentially be significant due to the frequency and speed the HSR trains will be running. Lands currently enrolled within the Williamson Act would likely either have to severely mitigate for these impacts or outright remove crops directly adjacent to the rail alignments. Removal of the crops may result in the property being in non-compliance with the local provisions of the Williamson Act, or simply make agriculture too difficult and expensive in that area due to the impacts.

The Draft EIR/EIS fails to identify the potentially significant impact on Williamson Act lands within Madera County.

605-50

Hydrology and Water Resources

The disruption of natural flow to surrounding agricultural lands may result from the raised bed for the at-grade track. The Draft EIR/EIS must adequately address impacts to agriculture resulting from flooding that may be caused by at-grade sections of the facility.

605-51

Independent Utility

The Draft EIR/EIS does not include a discussion of the potential for a section to be utilized as an "independent utility" (use of partially-built high speed rail track for existing Amtrak service) as required by the federal government should the high speed rail system not be built out. The EIR/EIS should include an analysis of the how final alignment might support the independent utility as required by the Federal government. Potential impacts to Amtrak as a result of the independent utility function are also not discussed. These impacts may include, but are not limited to, responsibility for track maintenance should responsibility of the track be given to Amtrak and the potential impacts Amtrak trains, as opposed to high speed trains, may have on track designed for high speed trains.

605-52

Alternatives

In accordance with the CEQA Guidelines, Section 15126.6(a), the Authority must address "a range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives." After reviewing the Draft EIR/EIS, it has come to our attention that all of the best possible alternatives have not been studied. We have performed a cursory evaluation of what may be the least impacting and most viable option available for the high speed rail project. The alternative involves the current Amtrak system. The following are bullet points which should be further explored to obtain the best alternative for the people of the State of California:

- Amtrak has a yearly established ridership over one million.
- Amtrak understands the passenger rail service, and could run a high speed rail service employing Californians instead of foreign operatives.
- Amtrak infrastructure could be utilized for faster operations given the proper grade separations.
- Using the Amtrak alignment would eliminate the need for acquiring land through the entire valley, except for that portion of the gap between Bakersfield and Los Angeles, thus, saving billions in land acquisition and also eliminating intrusive eminent domain on our Agriculture, other businesses and private lands.
- A rail can be built within the existing Amtrak right of way to accommodate freight and High speed rail as needed.

605-52

- The incremental approach of building high speed rail on the Amtrak right of way, allows the rail to be utilized in the event that funding for high speed rail is unavailable.
- Stations are already available on the Amtrak system. This would allow for future stops in places that the alternatives in the EIR do not provide.
- Utilizing the Amtrak system and alignment represents a significant, 2/3's savings over the other alignments in the current EIR.

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Response to Mitigation Measures in the Draft EIR/EIS

605-53 | Noise and Vibration

Impact	Mitigation Measure in EIR	Comment
Noise impacts to the communities of Fairmead and Madera Acres	N&V-MM#3, Noise and Vibration Mitigation Guidelines. The mitigation measure states that the Rail Authority will work with affected communities to determine how the use and heights of sound barriers would be determined using jointly developed performance criteria.	The second bullet point in MM #3 improperly defers the formulation of actual mitigation measures to the future.

605-54 | Socioeconomics, Communities, and Environmental Justice

Impact	Mitigation Measure in EIR	Comment
Physical deterioration of areas underneath elevated guide ways and alongside at-grade track.	SO-MM#5: Continue outreach to disproportionately and negatively affected environmental justice communities of concern. Conduct substantial environmental justice outreach activities in adversely affected neighborhoods to obtain resident feedback on potential impacts and suggestions for mitigation measures. Input from these communities will be used to refine the alternatives during ongoing design efforts. In addition, to offset any disproportionate effects, develop special recruitment, training, and job set-aside programs so that minority and low-income populations are able to benefit from the jobs created by the project.	This is a clear violation of CEQA. The mitigation measure defers the required analysis to determine an adequate mitigation measure.
SO#3: Displacement of Community Facility	SO-MM#7: Development of measures to minimize the potential for physical deterioration.	MM#7 must be more specific to the communities to be affected, including Madera Acres and Fairmead. Specific programs must be established to control graffiti, areas must be identified for parks, with maintenance and operations to be the responsibility of the High

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605-55 |

		Speed Rail Authority, and park and ride lots identified with maintenance to be the responsibility of HSR.
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605-56 | Safety & Security

Impact	Mitigation Measure	Comment
S&S #2: Increased demand for fire, rescue, and emergency services at stations and HMF.	S&S-MM#2: Monitor response of local fire, rescue, and emergency service providers to incidents at stations and the HMF. If it were determined that the HST project increased demand for these services, negotiate a fair-share impact fee to local service providers for the increased services attributable to the project.	It is inappropriate and not feasible for under CEQA to have an identified impact, and a mitigation measure that defers a negotiation for a fair-share impact. The EIR should identify what the impact would be and what the fair-share impact is, not simply say they will negotiate a fair-share if it is determined to increase demand. Who would determine an increased demand?

605-57 |

Agricultural Lands

Impact	Mitigation Measure in EIR	Comment
Ag#1: Permanent Conversion of Agricultural Land to Nonagricultural Use.	Ag-MM#1: Preserve the Total Amount of Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, and Unique Farmland. Coordinate with DOC to identify suitable land for mitigation and purchase agricultural conservation easements from willing sellers at a ratio of no less than 1:1, to preserve important farmland in an amount commensurate with the quantity and quality converted farmlands.	Madera County must be at the table for these discussions, not just the Department of Conservation. The HSR Authority should create a group within each agency, or for the Valley as a whole to coordinate the purchase of agricultural conservation easements at a 1:1 ratio. That committee should be made up of leaders within the Agricultural community (i.e., Agricultural Commissioners from each County).

605-58 |

Aesthetics and Visual Resources

Impact	Mitigation Measure in EIR	Comment
VQ#1: Visual Disturbance during Construction. For all alternatives, construction activities would cause visual	VQ-MM#1: Minimize Visual Disruption from Construction.	This is not sufficient for purposes of CEQA, and this project. I would strongly urge the Authority to consider detailed mitigation measures, it is not acceptable to simply state you will minimize visual disruption from construction. The

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605-58	impacts in urban areas.		mitigation measure should provide details as to how that will be accomplished. The mitigation measure provided is simply a statement, not a measure to mitigate the identified impact. In addition to the above statements it is inappropriate to identify this impact to only urban areas; it should also address rural areas.
605-59	VQ#2: Nighttime Lighting during Construction. Nighttime lighting would be more frequent under the UPRR/SR 99 Alternative, although all alternatives would affect Merced and Fresno urban areas.	VQ-MM#1: Minimize Visual Disruption from Construction.	This is not sufficient for purposes of CEQA, and this project. We strongly urge the Authority to consider detailed mitigation measures, it is not acceptable to simply state you will minimize visual disruption from construction. The mitigation measure should provide details as to how that will be accomplished. The mitigation measure provided is simply a statement not a measure to mitigate the identified impact. In addition to the above statements, it is inappropriate to identify this impact to only urban areas; it should also identify rural areas.
605-60	VQ#3: Lower Visual Quality in the Chowchilla-Madera Landscape Unit. The UPRR/SR 99 Alternative would create a permanent elevated guide way in front of the church and a residential neighborhood in Fairmead. No other alternative would have this effect.	VQ-MM#3: Incorporate Design Criteria for Elevated and Station Elements that can Adapt to Local Context; VQ-MM#3a: Integrate the Elevated Guide ways with Affected Parks, Trails, and Urban Core Design Guidelines.	The Community and Madera County staff should be included in the discussion with creating the appropriate design criteria for this section of the project. There should be a mitigation measure included to provide for impacts associated with graffiti on the HSR system. The mitigation measures provided lack the sufficient detail to provide a level of comfort that they will be appropriate for the impacts. Mitigation measure VQ-MM#3 improperly defers the formulation of actual mitigation measures to the future.
605-61	VQ#4: Lower Visual Quality in the Madera Landscape Unit. The UPRR/SR 99 Alternative would create a permanent elevated guide way as the tallest structure in the downtown historical	VQ-MM#3: Incorporate Design Criteria for Elevated and Station Elements that can Adapt to Local Context; VQ-MM#3b: Screen Elevated Guide ways Adjacent to Residential Areas.	See comment above.

605-61	core. No other alternative would have this effect.		
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Response to Submission 605 (Norman L. Allinder, Madera County, October 12, 2011)

605-1

See MF-Response-GENERAL-1.

605-2

See MF-Response-GENERAL-1 and MF-Response-GENERAL-22.

605-3

See MF-Response-NOISE-6 and MF-Response-GENERAL-17.

605-4

See MF-Response-NOISE-2.

605-5

See MF-Response-TRAFFIC-1.

605-6

The design of HST allows for the continued operation of major arterials. Therefore, no additional traffic analysis was necessary. All modifications to the road system, rural or urban, along the alignments were evaluated for circulation/congestion impacts. More mitigation is required in Merced and Fresno downtown areas, than in other parts of the alignment, because of traffic accessing the HST stations there.

605-7

The Chowchilla and Madera airports do not have any commercial passenger service, hence no mode shift of air travel from these airports to HST is expected. Moreover, the alignment does not impact these facilities.

605-8

See MF-Response-TRAFFIC-1.

605-9

The Road 20 configuration has been modified in accordance with the comment. The grade separation has been removed along Ave 23 ½ and realigned to cross the high-speed rail tracks along Road 20. No significant adverse impacts result due to this

605-9

change in that continued north-south movement is perpetuated along Road 20. Existing east-west traffic along Ave 23 ½ is re-routed to nearby Ave 24. The modification only applies to the Hybrid Alternative. We will investigate maintaining traffic on Road 20 during the 30% design effort if the applicable alternative is selected. The BNSF Ave 24 Wye Alternative design proposes to close Road 20. Because of the conflict with Avenue 24 overpass at this location, Road 20 overpass cannot be accommodated. Hence no change to design is proposed at this location for the BNSF Alternative.

A Road 14 overpass is proposed for the BNSF Avenue 24 Wye Alternative. However, for the Hybrid Alternative Alternative, because of the combination of proposed at-grade and elevated tracks near Road 14, placement of an overpass would be infeasible due to the required vertical roadway profile height (approximately 50 feet) needed to clear the elevated track.

605-10

See MF-Response-TRAFFIC-4.

605-11

See MF-Response-S&S-1, MF-Response-AGRICULTURE-4, and MF-Response-TRAFFIC-2.

605-12

See MF-Response-S&S-2. The Final EIR/EIS analyzes a footprint for roadway overpasses that is large enough to accommodate either an online or offline overpass location. The 30% design process will consider stakeholder input to determine the preferred alignment for each roadway overpass. Offline overpasses will be designed in accordance with accepted transportation design standards, which account for driver expectations (for example, roadway curves would not be abrupt) and safety standards (for example, guard rails and crash barriers would be installed on bridges).

605-13

As described in Section 2.2.1, System Design Performance, Safety, and Security, in the EIR/EIS, HST operation would follow safety and security plans developed by the

Response to Submission 605 (Norman L. Allinder, Madera County, October 12, 2011) - Continued

605-13

Authority in cooperation with FRA. These plans would include a System Safety Program Plan, including a Safety and Security Certification Program, to be developed during final design and construction phases; Fire/Life Safety Programs implementing Federal Rail Safety Act requirements; and System Security Plans. These are also described in Section 3.11, Safety and Security, in the EIR/EIS.

In regard to pedestrian safety, the HST system would operate on a fully grade-separated and access-controlled guideway with intrusion detection and monitoring systems where required. The HST infrastructure would be designed to prevent access by unauthorized vehicles, persons, animals, and objects. As described in Section 3.2.5, Transportation Environmental Consequences, in urban areas such as Chowchilla and Madera, the HST is proposed to operate on an elevated structure that would not restrict pedestrian and bicycle movement. The HST project would also grade-separate roadways throughout the corridor (including new freight rail separations), and these separations would improve pedestrian and bicycle safety.

605-14

See MF-Response-GENERAL-4 and MF-Response-GENERAL-5.

605-15

See MF-Response-GENERAL-15.

605-16

See MF-Response-GENERAL-3. Text in Section 3.12.5, Socioeconomics, Communities, and Environmental Justice, provides information on the number of residential displacements associated with the HST alternatives as well as information that there are enough replacement properties currently for sale to accommodate the displacements. New construction may only be required in some of the rural communities because there is not enough replacement housing currently available.

The induced population related to the HST Project in the Merced to Fresno section was analyzed as part of Section 3.18, Regional Growth.

605-17

See MF-Response-SOCIAL-2 and MF-Response-VISUAL-3. In addition, mitigation measure SO-MM-#7 in Section 3.12.7, Socioeconomics, Communities, and Environmental Justice calls for the Authority to work with local communities to develop measures that minimize the potential for physical deterioration.

605-18

See MF-Response-SOCIAL-3.

605-19

See MF-Response-GENERAL-5. Text in Section 3.12.5, Socioeconomics, Communities, and Environmental Justice, provides information regarding effects on all communities of concern located within the study area based upon the other sections of the EIR/EIS and provides information on the communities including Chowchilla and Madera. Mitigation is also provided for all communities of concern in SO-MM#5 with regards to training opportunities that will be provided as well as continued outreach to communities of concern. Text in Section 3.18.5, Regional Growth, provides information on the induced employment associated with the HST project and how new employment opportunities will also occur in Madera County.

605-20

Additional information on the smaller rural communities within the study area, including Parkwood and Parksdale, has been incorporated into Section 3.12.4.4, Socioeconomics, Communities, and Environmental Justice.

605-21

See MF-Response-PUE-2.

605-22

See MF-Response-PUE-3.

605-23

The use of soil, aggregate, and ballast materials for construction will be selected and utilized in accordance with guidelines specified within Bio MM#4 Prepare and

Response to Submission 605 (Norman L. Allinder, Madera County, October 12, 2011) - Continued

605-23

Implement a Weed Control Plan (see DEIR/EIS Section 3.7, page 107). To minimize the creation of open, disturbed soils that the majority of invasive, non-native weeds prefer, disturbance zones will be revegetated after the cessation of ground disturbing activities with site appropriate native species in accordance to with BIO MM#6 -Prepare and Implement a Restoration and Revegetation Plan (see DEIR/EIS Section 3.7, page 107).

605-24

See MF-Response-GENERAL-3, MF-Response-LAND USE-3, and MF-Response-LAND USE-4.

605-25

See MF-Response-LAND USE-2, MF-Response-LAND USE-3, and MF-Response-LAND USE-4. Text is included in Appendix 3.13-A. Land Use Plans, Goals, and Policies, for information on the general plans and specific plans. Refer to Section 3.13.5, Station Planning, Land Use, and Development, for new text on the effects on the adjacent land uses. No significant impacts are anticipated and the HST alignment and wyes do not preclude any future development. Additional information is located in Appendix 3.13-B, Land Use and Communities.

605-26

See MF-Response-GENERAL-3 and MF-Response-GENERAL-16.

605-27

See MF-Response-VISUAL-1, MF-Response-VISUAL-3, and MF-Response-VISUAL-4.

We will investigate the possibility of reducing the height of the aerial structure through these cities during 30% design if the selected alternative is chosen. In Madera there are existing highway overcrossings to the north and south of downtown Madera that require a raised HST profile including the new Ellis Street overcrossing (under construction) to the north and Avenue 13 to the south.. There is also an inactive railroad spur track that crosses the HST alignment near East 9th Street. We do not know if this spur track has been formally abandoned.

605-27

In Chowchilla the HST alignment must cross the UPRR tracks to the north, the SR233/SR99 interchange in downtown (planned for future improvements) and SR 99 (embankment for southbound lanes) to the south.

We may be able to reduce the height of the structure at selected locations however the HST alignment design criteria discourages frequent profile variations to avoid passenger discomfort and safety issues.

605-28

See MF-Response-GENERAL-3.

605-29

Material selection will be based on several factors, including availability and proximity of resource. The amount of ballast materials needed for the project is not available at the quarries within the SJV air basin. Detailed information regarding locations and available amounts of ballast available from quarries outside the SJV air basin is provided in Appendix H of the Air Quality Technical Report.

605-30

See MF-Response-AQ-6 and MF-Response-AQ-1.

605-31

See MF-Response-NOISE-8.

605-32

See MF-Response-NOISE-3.

605-33

See MF-Response-NOISE-3 and MF-Response-NOISE-5.

605-34

See MF-Response-AGRICULTURE-6 and MF-Response-NOISE-5.

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605-35

See MF-Response-GENERAL-4, MF-Response-AGRICULTURE-4, and MF-Responses-SOCIAL-8.

605-36

See MF-Response-AGRICULTURE-4.

605-37

See MF-Response-SOCIAL-8. A discussion of the impacts to the Madera County tax base is provided in Section 3.12.5.3 of the EIR/EIS.

605-38

See MF-Response-WATER-1 and MF-Response-TRAFFIC-2.

605-39

Right-to-Farm ordinances exist in both Merced and Madera counties. These ordinances help protect ongoing agricultural operations from nuisance complaints, typically originating from new residential areas. Text has been added to Table 3.14-1 of the Final EIR/EIS to acknowledge these policies. There would be no conflicts between these ordinances and the HST project, nor would the project affect implementation of the ordinances.

605-40

See MF-Response-AGRICULTURE-5.

605-41

Based on CEQA standards, the EIR/EIS evaluates impacts to Important Farmlands. This is based on soil types and other factors as described in the EIR/EIS (see Farmland Mapping and Monitoring Program in Section 3.14.2.2). The EIR/EIS also includes land evaluation and site assessment scores pursuant to the federal Farmland Protection Policy Act. These scores include limited capital improvements as part of the evaluation site assessment criteria. Examination of all capital improvements that have been made to an agricultural parcel is not necessary in order to determine the quality of the farmland being affected or the significance of the project's impact.

605-41

In terms of how capital improvements affect the valuation of farmland for right-of-way acquisition, see MF-Response-GENERAL-4 and MF-Response-AGRICULTURE-8.

605-42

See MF-Response-AGRICULTURE-4.

Farm residences were considered in the analyses of project impacts, as was any residence. For example, residences are considered sensitive receptors for noise analysis and analysis of toxic air contaminants.

605-43

Thresholds for significance of impacts to Important Farmlands are presented in Section 3.14.3, Methods for Evaluating Impacts. In terms of farming operations, see MF-Response-GENERAL-4.

605-44

See MF-Response-AGRICULTURE-5.

605-45

Impacts related to shading are considered to be minor. New roadway crossings over the proposed HST would be about 30 feet high on average; embankments would have 2:1 slopes or flatter. Therefore, adjacent crops would be greater than 60 feet from the top of the embankment at its highest point. At this cropping distance, changes to the amount of sunlight received would be minimal, and temperature changes would likewise be minimal. However, if there were shading effects, these effects would be greatest on crops planted on the north side of east-west trending roadway crossings. Where roadways run north-south, and crops are located to the east or west of proposed roadway crossings, adequate sunlight should be available to supply the needs of all crops.

Specifically with regard to almonds, photosynthesis occurs at the maximum rate in almond trees at one-half full sunlight; that is, when light levels are one-half the intensity of that at solar noon (University of California, 1996). Full sunlight only reaches leaves on

Response to Submission 605 (Norman L. Allinder, Madera County, October 12, 2011) - Continued

605-45

the outer surface of almond tree canopies, with inner leaves being partly shaded by outer leaves. Therefore, most leaves on mature almond trees function well with relatively little light. It is unlikely that shading effects from HST embankments would reduce sunlight received by adjacent almond trees to levels that would adversely affect photosynthesis.

With regard to grapes, sunlight and temperature are important parameters for optimum fruit ripening, and absolute requirements depend on the variety of grape being grown. Varietal differences in climatic requirements are demonstrated by the fact that grapes are grown in most areas of the state, including the Sierra foothills, coastal regions across the state, fog-affected inland regions such as Lodi, and the San Joaquin Valley. Importance of light on grape berry development and quality was shown by Dokoozlian and Kliewer (1996) for 'Cabernet Sauvignon' and 'Pinot noir' grapes. As mentioned above, shade effects are expected to be minimal for the Merced to Fresno section of the HST; if minor shading effects to grape fruit quality were to occur, these effects would be limited to vines grown closest to the embankments. On a field scale, effects would likely be negligible.

A small period of shading during the growing season may be beneficial to certain crops. This could occur through moderation of transpirational water loss, heat effects, and sunburn. Additionally, roadway overpasses may provide a wind break, which may be beneficial to growth and yields of certain crops.

605-46

The EIR/EIS adequately discloses potential impacts related to agriculture and the analysis for agricultural impacts exceeds what is typically done for a NEPA or CEQA analysis.

605-47

See MF-Response-GENERAL-4 and MF-Response-SOCIAL-2. As discussed in MF-Response-SOCIAL-2, the potential for impacts to property values on agricultural lands, which would affect their financing ability, is low.

605-48

See MF-Response-AGRICULTURE-6 and MF-Response-GENERAL-4.

605-49

See MF-Response-AGRICULTURE-2, MF-Response-AGRICULTURE-3, MF-Response-AGRICULTURE-4, MF-Response-AGRICULTURE-5, and MF-Response-AGRICULTURE-7.

605-50

See MF-Response-WATER-2.

605-51

See MF-Response-GENERAL-13.

605-52

See MF-Response-GENERAL-2 and MF-Response-GENERAL-12.

605-53

See MF-Response-NOISE-6.

605-54

See MF-Response-GENERAL-1 and MF-Response-SOCIAL-7.

605-55

See MF-Response-GENERAL-5, MF-Response-SOCIAL-4, and MF-Response-VISUAL-3.

605-56

See MF-Response-S&S-6 and MF-Response-S&S-7.

605-57

See MF-Response-AGRICULTURE-1.

Mitigation measure Ag-MM#1 has been refined to clarify the responsibilities of the Authority and the Department of Conservation, as well as the development of criteria for

Response to Submission 605 (Norman L. Allinder, Madera County, October 12, 2011) - Continued

605-57

prioritizing areas in which to pursue conservation easements from willing sellers. While the Authority appreciates Madera County's willingness to be involved, the Authority has chosen to partner with the Department of Conservation, California Farmland Conservancy Program, because of its expertise in the area of conservation easements. The process of negotiating with potential willing sellers to acquire conservation easements at a mutually agreeable price and under mutually agreeable land use conditions is confidential. Negotiations are best served by establishing clear criteria for acquiring conservation easements and limiting the number of active participants in the process. Participation by the County and others is not necessary to the success of the mitigation measure in obtaining conservation easements from willing sellers. Therefore, the Authority declines to revise the mitigation measure to provide for the participation of the County and the suggested committee of others.

605-58

See MF-Response-VISUAL-3 and MF-Response-GENERAL-1. The FEIR/EIS has been updated to include more detail on mitigation measures, application, and implementation procedures.

605-59

See MF-Response-VISUAL3. The FEIR/EIS has been updated to include more detail on mitigation measures, application, and implementation procedures.

605-60

See MF-Response-VISUAL-3. The FEIR/EIS has been updated to include more detail on mitigation measures, application, and implementation procedures.

605-61

See MF-Response-VISUAL-3 and MF-Response-GENERAL-1. The FEIR/EIS has been updated to include more detail on mitigation measures, application, and implementation procedures.

Submission 268 (Frank Bigelow, Madera County Board of Supervisors, August 22, 2011)



**BOARD OF SUPERVISORS
COUNTY OF MADERA**

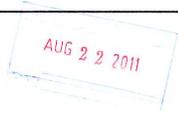
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August 17, 2011



Mr. Roelof Van Ark
Merced to Fresno Draft EIR/EIS Comment
770 L Street, Suite 800
Sacramento, CA 95814

RE: CA HSR Merced-Fresno Draft EIR

Mr. Van Ark:

268-1

Thank you for providing an opportunity to comment on the California High Speed Rail Merced-Fresno Draft Environmental Impact Report. The Madera County Board of Supervisors respectfully request that you extend the comment period from the mandatory 45 day period to 90 days in order to give the appropriate review of the 23,368 pages within the document. This is an extremely important project to Madera County and the State of California. The High Speed Rail project is the largest public works project in the history of the State of California, and we, therefore, feel it is appropriate to provide the residents of the State of California sufficient time to review and provide comments. In the event that you and your staff fail to extend the comment period, please notify the Madera County Planning Director at norman.allinder@madera-county.com.

Sincerely,

Frank Bigelow, Chairman
Supervisor, District 1

cc: Madera County Board of Supervisors
Eric Fleming, Madera County Administrative Officer
Doug Papagni, Resource Management Agency Director
Doug Nelson, County Counsel
David Tooley, City of Madera
Mark Lewis, City of Chowchilla
Norman L. Allinder, AICP, Planning Director

Response to Submission 268 (Frank Bigelow, Madera County Board of Supervisors, August 22, 2011)

268-1

See MF-Response-GENERAL-7.

Submission 827 (Bobby Kahn, Madera County Economic Development Commission, October 13, 2011)



RECEIVED

10-13-11P01:55 RCVD

October 11, 2011

California High Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 I Street, Suite 800
Sacramento, CA. 95814

To Whom It May Concern:

The Madera County Economic Development Commission (MCEDC) is taking this opportunity to comment on the draft EIR/EIS for the Merced to Fresno Section of the California High Speed Rail project (the project). MCEDC realizes that all proposed alignments will have a significant impact on Madera County and its two incorporated cities.

MCEDC has officially gone on record, both in written and verbal testimony, regarding our opposition to the A-2 alignment and supporting the A-1 alignment.

REVIEW PERIOD

827-1 | As an agency comprised of only four staff persons the obligation of reading and commenting within the allotted time period was out of proportion considering the size and scope of the EIR/EIS.

A-2 CORRIDOR

827-2 | MCEDC has spent numerous hours attending High Speed Rail Authority meetings in Sacramento and other locations as well as community outreach meetings held locally. In addition we have attended several meetings with various staff members. The proposed A-2 alignment through the City of Chowchilla and Madera is currently shown as an elevated viaduct. There is no such transportation infrastructure that is similar in nature to this proposal in Madera County. MCEDC is aware the project will run at grade in some areas and even possibly below grade in other areas of the state. If a below grade option is being considered for any portion of the state wide system, it should then be thoroughly studied for the A-2 alignment as it effects Madera County.

PROPERTY VALUE

827-3 | The various alignments have already caused distress on effected properties. The EIR/EIS does not discuss how property owners will be compensated for the decline in value before and after the alignment is chosen. At this point in time HSR staff cannot give you exact locations of the proposed alignments.

Page 2
HSR EIR/EIS Comments

EMPLOYMENT

827-4 | The EIR/EIS does not adequately address the impact of displaced businesses. Many of these businesses are owned by individuals who will not be able to relocate due to increased rent and other related costs. Additionally, a large proportion of these small businesses are struggling to survive. If forced to move they may choose to just not reopen. How is the HSR going to reimburse the effected jurisdictions for loss of tax revenue coupled with an increase burden on social services. Large industrial plants have already indicated if they are forced to relocate they will not relocate in the County of Madera since California Regulations are so burdensome. The relocation will be in another state. The EIR/EIS does not study these short and long term effect on our local communities, including local school districts. Hundreds of people would become displaced from their jobs. The EIR/EIS does not address how these dramatic impacts would be fully mitigated.

FUTURE DEVELOPMENT

827-5 | Hundreds of hours and thousands of dollars have been invested by MCEDC and our local jurisdictions to upgrade infrastructure and entitlements for several large properties considered prime for future commercial and industrial development. The EIR/EIS fails to sufficiently address how MCEDC and our local jurisdictions will be made whole. For lost projects due to the various alignment proposals that are clouding titles. This especially applies to the proposed A-2 alignment which will negatively impact newly developed properties in Chowchilla and several large parcels in Madera. The impact of the A-2 alignment will severely inhibit the potential developments value of these properties. One developer has submitted a letter to that effect and has given verbal testimony at the High Speed Rail Authority Board Meeting. The EIR/EIS fails to thoroughly study and address the true impact this project will have on Madera County. The lack of detail analysis is indicating the HSRA has no true idea of the short and long term economic impacts this project will have on Madera County.

Respectfully Submitted,

Bobby Kahn,
Executive Director

BK/lg

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Response to Submission 827 (Bobby Kahn, Madera County Economic Development Commission,
October 13, 2011)

827-1

See MF-Response-GENERAL-7.

827-2

A below-grade or retained cut option was not selected for the UPRR/SR 99 Alternative, or any other alternatives in the Merced to Fresno Section, through most of the Central Valley or even through Chowchilla and Madera because of the costs to construct. The retained-cut profile is only used for short distance in highly urbanized and constrained situations.

827-3

MF-Response-SOCIAL-1, MF-Response-SOCIAL-2 and MF-Response-GENERAL-1.
Impacts to specific properties can be seen in Appendix 3.1-A, Project Footprint.

827-4

MF-Response-SOCIAL-1, MF-Response-SOCIAL-3, MF-Response-SOCIAL-5, and MF-Response-SOCIAL-8.

827-5

See MF-Response-GENERAL-8, MF-Response-LAND USE-3, MF-Response-LAND USE-4 and MF-Response-GENERAL-1. . Refer to Appendix 3.13-B, Land Use and Communities, for additional information on the adjacent land uses in the study area.

Submission 601 (Lance W. Johnson, Madera Irrigation District, October 12, 2011)



October 12, 2011

Via E mail and Federal Express

California High-Speed Rail Authority
700 L Street, Suite 800
Sacramento, CA 95814

Subject: Madera Irrigation District Comments of Draft Environmental Impact Report/Statement, Merced to Fresno Segment

Ladies and Gentlemen:

This letter constitutes the written comments of Madera Irrigation District to the DEIR/S noted above.

601-1

1. Document provided is of a Programatic nature and lacks sufficient specificity to fully analyze impacts.
The document as presented includes multiple alternative alignments each having widely different impacts and implications to Madera Irrigation District (MID) facilities and maintenance and operational activities and costs. As a result MID cannot provide detailed comments on any of the alternative alignments. As a result MID's comments will be programmatic in nature.

2. Detailed environmental review of final selected alignment is required before construction can begin.
a. Both CEQA and NEPA required that once the final alignment is selected additional, route specific environmental review be conducted.

601-2

3. Construction of HSR facilities through MID could curtail District water deliveries.
a. Construction of HSR facilities through MID must provide for restoration of all water conveyance and delivery facilities, including creeks, used by the District. Failure to provide for such facility restoration would impact water deliveries to 10s of thousands of acres of farm land served by MID.

4. Construction of HSR facilities through MID could interrupt District water deliveries.
a. Construction of HSR facilities through MID following any of the proposed alignments will cross MID delivery canals and/or pipelines and creeks used for delivery of water to farms in the District's service area. MID's water delivery season start and stop dates varies annually depending on water supply availability. Careful coordination and construction scheduling will be required to eliminate interruptions in MID water deliveries.

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LEGAL COUNSEL
MICHAEL A. CAMPOS

601-3

5. HSR facilities/tracks crossing U.S. Bureau of Reclamation owned facilities must be reviewed and approved by USBR at HSR expense.
a. All of the alternative HSR alignments cross canals and/or pipelines designed, built and owned by the U.S. Bureau of Reclamation. Within MID this includes MID laterals 6.2, 24.2 and 32.2 and/or related sub laterals. The review and approval of any such USBR facilities is the primary responsibility of USBR with support from MID.

6. HSR facilities/tracks crossing MID owned facilities must be reviewed and approved by MID at HSR expense.
a. In addition to crossing USBR owned facilities some of the proposed alignments cross facilities designed, built and owned by MID. All such crossing of MID facilities must be reviewed and approved by MID at HSR expense.

601-4

7. Delivery capabilities including but not limited to flow capacity and hydraulic characteristics of all MID facilities and natural channels used by the District must be preserved.
a. Many of MID's canals and pipelines will be bisected/crossed by all of the proposed HSR alignments. All of these MID delivery facilities operate under gravity flow conditions that are highly sensitive to hydraulic conditions. Construction of HSR facilities could impact/reduce MID's ability to deliver water through its delivery system. Proper detailed analysis and design of all MID facilities crossed by MID are required to ensure there are no impacts to MID delivery capabilities. If said delivery capabilities are not preserved lands currently served by MID could go out of production or be required to rely on groundwater in the already overdrafted groundwater basin.

601-5

8. Air quality will be negatively impacted due to increased annual operating hours and mileage of MID equipment.
a. As stated in the DEIR/S east-west HSR crossing points will be drastically reduced through the MID service area. As a result, and as noted above, this will require MID to operate more vehicles and more annual vehicle hours of both on road and off road equipment which will have negative impacts on air quality.

601-6

9. Existing farm land in MID will be taken out of production.
a. The proposed HSR alignments through MID will bisect some parcels of existing farm land creating new smaller parcels which are, due to their small size, uneconomical to farm.

601-7

10. All MID impacts must be mitigated.
Construction and operation of all alternative HSR alignments as presented in the DEIR/S will have significant impacts on MID. These impacts, which must be fully mitigated, include but are not limited to the following:
a. Increased staffing and operating costs due to the inability of MID personnel to efficiently travel around and across the District due to historically linear, point to point, travel routes being severed thereby requiring longer travels routes and times by ditchtenders and during maintenance

Submission 601 (Lance W. Johnson, Madera Irrigation District, October 12, 2011) - Continued

CA HSRA, Madera Irrigation District Comments on DERI/S, October 12, 2011

601-7

- activities. The net result will require MID to hire more staff, buy and operate more vehicles traveling more miles to accomplish historic routine functions.
- b. Decreased MID assessment, standby and water sales revenues due to farm land being bisected rendering said lands uneconomical to farm – taken out of production.
 - c. Accelerated vehicle replacement associated with existing roads, travel routes, crossing Highway 99 being severed resulting in:
 - i. Increased operating hours on existing equipment which, under Air Board regulations, have limits on annual operating hours.
 - ii. Higher annual mileage of field vehicles.

601-8

11. Reimbursement for MID costs.

- a. Multiple HSR representatives have told MID that all District costs associated with reviews, approvals and/or design and construction of facilities impacted by HSR crossings will be reimbursed to MID. The District will establish a cost reimbursable account and require CA HSRA to deposit funds as necessary for such District expenses.

The District looks forward to receiving the responses to comments that fully address the impacts noted above.

Sincerely,



Lance W. Johnson, P.E.
General Manager
Madera Irrigation District

cc: Board of Directors
Jill Low, AGM/CFAS
Dick Tzou, CoE&P

Response to Submission 601 (Lance W. Johnson, Madera Irrigation District, October 12, 2011)

601-1

See MF-Response-GENERAL-1.

601-2

See MF-Response-WATER-1.

601-3

See MF-Response-WATER-1.MF: The Authority is in the process of coordinating with USBR on the necessary documentation for crossing their facilities. In addition, the Authority is also in the process of negotiating a Master Utility agreement with Madera Irrigation District.

601-4

See MF-Response-WATER-1.

601-5

See MF-Response-AQ-4.

601-6

See MF-Response-AGRICULTURE-3.

601-7

See MF-Response-WATER-1 and MF-Response-TRAFFIC-2.

601-8

The Authority is currently negotiating with MID regarding the scope, budget, and terms of the MOU to be established which will outline how funds are distributed. Once an agreement is reached, the Authority will cover MID's costs associated with facilities impacted by the HST project as agreed upon in the MOU.

Submission 380 (John Pedrozo, Merced County, September 23, 2011)



09-23-11P01:56 RCVD

September 9, 2011

David Valenstein, Chief
Environment and Systems Planning Division
Office of Railroad Policy and Development, MS-20
Federal Railroad Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Dan Leavitt, Deputy Director
Environmental Review and Planning
California High Speed Rail Authority
770 L Street, Ste. 800
Sacramento, CA 95814

**Re: Request for Cooperation of the High Speed Rail Agencies
Regarding the Merced to Fresno Section of the California
High Speed Rail Project**

Dear Gentlemen:

Merced County is fortunate to have been chosen among the counties that will host the California High Speed Rail Project ("Project"). Merced County is also keenly aware of its responsibility to provide for and ensure the health, welfare, and economic stability of its residents and local communities.

As the governing body of Merced County, and on behalf of the constituents it represents, the Board of Supervisors seeks the cooperation of the Federal Railroad Administration ("FRA"), as well as the California High Speed Rail Authority ("CHSRA") (collectively "HSR Agencies") so that the route selection decision thoroughly considers the unique local conditions and particular needs of our communities.¹ Accordingly, the Board of Supervisors formally requests to work

¹ On February 23, 2010, the Board of Supervisors adopted a resolution to support the A-2 Route Alignment because it "is most consistent with the goals of the General Plan" and would "have the least negative impact on the existing communities, agricultural and natural resources in Merced County and the region." (Merced County Resolution No. 2010-41) In its 2011 Legislative Agenda, the Board of Supervisors states, "the County of Merced has been continually involved in efforts to support having a station stop in downtown Merced as well as a heavy maintenance facility within the County" and the, "continuing development of high speed rail on a statewide basis and a unified regional approach," but

Board of Supervisors

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Supervisor, District One

Hubert "Hub" Walsh, Jr.
Supervisor, District Two

Linn Davis
Supervisor, District Three

Deidre F. Kelsey
Supervisor, District Four

Jerry O'Banion
Supervisor, District Five

Larry T. Combs
County Executive Officer

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David Valenstein
Dan Leavitt
Re: Request - High Speed Rail, Merced to Fresno Section
Date: September 9, 2011
Page 2 of 3

directly with the HSR Agencies, as soon as possible, to commence a process of engaged collaboration towards this end. (*Collaboration in NEPA*, CEQ, Oct. 2007, p. 13.)

380-1

On August 12, 2011, the Board of Supervisors received a copy of the draft joint Environmental Impact Report/Environmental Impact Statement ("draft EIR/EIS") for the Merced to Fresno section of the Project. The Board understands the draft EIR/EIS was prepared by the HSR Agencies pursuant to the National Environmental Policy Act ("NEPA") (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality implementing regulations (40 CFR 1500 *et seq.*), and the FRA's Procedures for Considering Environmental Impacts (64 Fed.Reg. 28545) ("FRA Procedures"), and in conformity with the California Environmental Quality Act (Cal. Pub. Res. Code section 21000 *et seq.*)

NEPA mandates the lead federal agency to cooperate and conduct joint planning processes with local agencies to the fullest extent possible to reduce duplication between NEPA and local planning and land use requirements. (40 CFR section 1506.2(b)-(c).) NEPA requires the lead agency to request local agency comments after the release of the draft EIS. (40 C.F.R. section 1503.1(2)(i)) and make "diligent efforts to involve the public." (40 C.F.R. section 1506.6(a).) The FRA Procedures direct the FRA to solicit comments from local governments and the public on the environmental consequences of projects it funds. (FRA Procedures, at p. 28549, sections (7)(e), 9(b)(1).) Consequences that should be considered include impacts to both existing and planned land uses, the potential for community disruption and impacts to commerce. (Id. at p. 28550, section 10(b)(16)) Importantly, NEPA requires the federal agency to make an active effort to reconcile any inconsistency between the project and local land uses and policies. (40 C.F.R. section 1506.2(d).)²

It is in this regard that the Board of Supervisors seeks cooperation, through direct engagement and collaboration, of the HSR Agencies to prevent any inconsistencies from arising with respect to local land uses, agricultural and natural resources, and to facilitate achievement the best project decision for the future of Merced County and its communities.

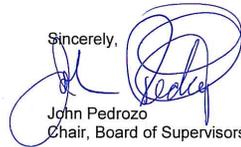
with consideration to, "minimize impacts to agricultural properties and production." (Legislative Agenda, p. 11.)

² The "cooperation" requirement in NEPA at 42 USC section 4331(a) is similar to the "coordination" requirement in the Federal Land Policy Management Act at 43 U.S.C. section 1712(c)(9), which requires the Secretary of Interior to allow for meaningful input by local governments and resolve inconsistencies "to the maximum practical extent consistent with federal law," and thus merits direct dialogue with the Board of Supervisors rather than merely responding to written comments. (*Collaboration in NEPA*, CEQ, Oct. 2007, at pp. 5, 17, 26)

Submission 380 (John Pedrozo, Merced County, September 23, 2011) - Continued

David Valenstein
Dan Leavitt
Re: Request - High Speed Rail, Merced to Fresno Section
Date: September 9, 2011
Page 3 of 3

Please contact Sheryl Roy, Executive Assistant to Larry T. Combs, the County Executive Officer, schedule an initial meeting regarding these matters. She can be reached at (209) 385-7595. We anticipate such a meeting will be about four hours in duration. Thank you for your consideration of this letter and your anticipated cooperation.

Sincerely,

John Pedrozo
Chair, Board of Supervisors

Response to Submission 380 (John Pedrozo, Merced County, September 23, 2011)

380-1

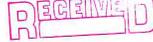
See MF-Response-GENERAL-17.

The Authority has worked with the County and is continuing to work with the County to provide detailed review of impacts and mitigation measures. As part of the review of impacts and mitigation, the Authority met with the County prior to publication of the FEIR/EIS.

Submission 772 (Mark (1), Paul (2) Hendrickson (1), Fillebrown (2), Merced County, October 13, 2011)



PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT



10-13-11P01:56 RCVD

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Roelof van Ark
October 7, 2011
2 | Page

October 7, 2011

Roelof van Ark, Chief Executive Officer
High Speed Rail Authority
Merced to Fresno High Speed Train EIR/EIS Comment
2020 L Street, Suite 300
Sacramento, CA 95814

Subject: Comments on the Merced to Fresno HST Draft EIR/EIS

Dear Mr. van Ark:

Merced County would like to thank the High Speed Rail Authority for the opportunity to comment on this critically important environmental document and for holding an outreach meeting and a hearing within the County as part of your efforts to educate and involve the larger Community. This project provides the County with several major opportunities for jobs and improved passenger rail access to northern and southern portions of California, but it also creates a variety of impacts which were identified within the Draft EIR/EIS for the California High Speed Train Project – Merced to Fresno Section.

The adequacy of the High Speed Train Project EIR/EIS is critical to Merced County in our role as a "responsible agency" as defined in Section 15381 of the California Environmental Quality Act (CEQA) Guidelines. The County will be relying upon this document in any future action to amend our General Plan to adopt the selected High Speed Train alignments once the Authority has made their final selection. Based on other actions related by the Authority, such as the Heavy Maintenance Facility site selection, the County may also use the environmental document for other County approvals or actions.

This letter contains three main components: 1) it requests the Authority recognize the various unnecessary and unmitigated impacts caused by selection of any of the BNSF Alternative alignments rather than the UPRR/SR99 Alternative; 2) it expresses the County's request to defer any selection of the preferred site of the Heavy Maintenance Facility until a subsequent, more thorough and complete environmental analysis is conducted; and 3) it identifies areas of inadequate analysis and the creation of additional impacts of the project not fully evaluated in the Draft EIR/EIS, most specifically related to circulation impacts.

In order to assist the authority with making appropriate corrections to the Final EIR/EIS, we have made an attempt to categorize our detailed comments as follows:

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Type 1 – Typographical error or minor oversight that needs to be corrected.

Type 2 – Inadequate information provided in document and/or analysis is incorrect or incomplete; as a result impacts are unable to be determined.

Type 3 – Inadequate or undefined mitigation has been identified to reduce impacts to be less than significant.

At the end of each detailed comment, the category of comment has been identified. However, there are some overarching comments which will be presented first without need for this type of reference.

Impact Comparison of the BNSF and UPRR/SR99 Alternative Alignments

Merced County has been on record as supportive of the High Speed Train system in California. However, this support is heavily dependent on the Authority's appropriate selection of the only viable and logical alternative alignment from Fresno to Merced along UPRR/SR99 route. As identified through the numerous environmental and financial impacts presented in the Draft EIR/EIS, the UPRR/SR99 route is superior to the BNSF alternatives in that it: provides the fastest travel time; requires between two and nine miles of less track; would require fewer curves with the resulting of splitting farmland, cutting road and irrigation access and taking ranches and homes; has fewer impacts to biologically rich habitat and communities; avoids noise, aesthetic and livability impacts to the communities of Le Grand and Planada; and involves lower construction costs for completing the HST system. **The following provides a summary of information from the Draft EIR/EIS which should compel the Authority to abandon further analysis of the BNSF alignments and focus all continued design on the UPRR/SR99 alignment.** More detailed citation of Draft EIR/EIS impact analysis and references to the respective page numbers from the document are presented in Attachment 1 to this letter.

Agricultural Impacts

The UPRR/SR99 alignment would affect the fewest acres of Important Farmland and Williamson Act lands, and would cause the least severance of farmlands of all the alternatives because more of the guideway would parallel existing major transportation corridors. Specifically, the acres of Important Farmlands affected by the UPRR/SR99 route ranges from 548 to 1158 acres, while the BNSF route has the potential to impact 835 to 1502 acres, which translates to possibly 52% more impacts on critical agricultural lands alone. Similarly, impacts to Williamson Act farmland for the UPRR/SR99 alignment ranges from 77 to 270 acres, and the BNSF impacts 182 to 538 acres. The impacts to our contractually protected farmlands through selection of the BNSF route could mean up to 136% greater impacts on Williamson Act agricultural lands and corresponding agricultural productivity, even at the low end of the range of possible acreage impacted.

As a further consideration, the BNSF route would impact large numbers of "deciduous

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fruit and nut trees" though Merced County, crops which require significant up-front investments by farmers, and continual maintenance throughout the life of the trees. Impacts to these crops may result in orchards that are no longer economically feasible to operate. Further, the associated costs to acquire these properties will increase property purchase costs and, thus, costs of the entire HST project. It does not appear that these two issues have been adequately considered in the EIR.

Biological and Water Impacts

In addition to lower agricultural impacts from the UPRR/SR99 route, this route clearly impacts fewer biological resources. The BNSF alternative is the only alternative that would affect the Great Valley Conservation Bank (a habitat mitigation bank) and federally designated critical habitat for five vernal pool associated species. Also, most of the BNSF design options would have greater effects on "waters" under United States Army Corps of Engineers jurisdiction than the UPRR/SR99 alternative, and would impact more than twice as many acres of vernal pools and other seasonal wetland than the Hybrid, and more than five times as many as the UPRR/SR99 alignment. In almost every category that considers the varied biological impacts, the BNSF alignment results in greater impacts than UPRR/SR99. The detailed comparison of these habitat and wetland features is provided in Attachment 1. However, one quote from the Draft EIR/EIS is worth highlighting here:

Although the same special-status wildlife and plant species have the potential to occur along the BNSF alignment as along the UPRR/SR99 alternative, the greater extent and relatively higher quality of California annual grassland and vernal pool habitat associated with the BNSF alternative results in a higher likelihood that special-status species dependent on these habitat types would occur. (Page 3.7-35)

With respect to hydrology and water-related impacts, the UPRR/SR99 would cross fewer natural water bodies and, therefore, require less in-water work for construction of supporting piers. While the UPRR/SR99 alignment would have more total crossings than the BNSF alignment, the UPRR/SR99 alignment has fewer natural crossings, with resulting lower wetland and related riparian habitat impacts.

Community and Aesthetic Impacts

The BNSF alignments labeled "Mission Ave and Mariposa Way design options" would bisect part of the community of Le Grand. These alignments result in visual impacts on the community of Le Grand where the elevated guideway would extend along the BNSF tracks through the town. As noted in the Draft EIR/EIS, this effect could not be fully mitigated, thus causing a lasting effect on an environmental justice population. Unfortunately, the alignment alternatives labeled "Mariposa Way East of Le Grand and Mission Ave East of Le Grand design options" help minimize impacts on the urban community of Le Grand but at the expense of greater agricultural, wildlife and habitat impacts.

All BNSF options cause significant impacts to the Le Grand and Planada area, including

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noise and vibration increases (detailed in Section 3.4 of the Draft EIR/EIS). During construction of the overcrossings, orchards would be removed, and the crossings would block views in a locally designated scenic corridor (Merced County General Plan designates the Sierra views as an aesthetic amenity). The UPRR/SR99 alignments avoid this impact on Le Grand. In addition, the Mission Ave design options traverse through the proposed location of the Planada County Water District sewage treatment plant expansion – Table 3.6-5 on Page 3.6-14 of the Draft EIR/EIS did not even recognize this independent district exists nor that it operates a sewage treatment plant.

For LeGrand residents whose homes are impacted by the BNSF alignment, the Draft EIS/EIR correctly recognizes they will be forced to relocate outside of the Le Grand community (due to a lack of an adequate supply of replacement housing), and therefore would become isolated from their communities. In small and tightly-knit farming communities such as Le Grand, this impact is devastating, and as repeated throughout this letter, is totally unnecessary based on the superior UPRR/SR99 alignment.

Because of the types of impacts listed above, the County has proposed draft Policy AG-2.15 as part of our pending General Plan Update, which reads: "Coordinate with the California High Speed Rail Authority to locate the high speed rail lines along existing major transportation corridors, such as State Routes 99 or 152, to minimize the conversion of productive agricultural land to non-agricultural uses."

772-2

Heavy Maintenance Facility Inadequate Analysis

Regarding the evaluation of the Alternative Castle Commerce Center Heavy Maintenance Facility (HMF), the analysis contains errors in assumptions and project design due to the unknown alignment of the main line connection north to Sacramento. By applying incomplete design characteristics and attributing all impacts to the HMF at Castle Commerce Center, the analysis places this site at an unreasonable disadvantage when compared to the other alternative sites contained in the Draft EIR/EIS. The fundamental problem is the incomplete design and analysis caused by the unsupported assumption the seven miles of guideway track to reach Castle was also designed to serve as the preferred main line route from Merced to Sacramento. But the Draft EIR/EIS repeatedly penalizes this alternative HMF site by applying the \$1.067 billion cost of this track, and all related impacts in the Franklin/Beachwood Community and adjacent areas, as directly attributable to this HMF Alternative. A guideway connection to this HMF site which would be much less intrusive to the community and environment, and would be far less costly, can be designed if Castle is only serving as the HMF site. However, if the connection from the downtown Merced HST Station to the BNSF alignment is actually designed to serve as the preferred alignment for the Merced to Sacramento leg of the HST System, the environmental analysis contained in this document is woefully inadequate.

The determination that the HMF alternative sites are adequately evaluated in this Draft EIR/EIS is incorrect, and the Authority should not make any decision regarding the preferred HMF site based on the incomplete analysis contained in

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this Draft EIR/EIS. Any decision should be deferred until a more complete and CEQA compliant analysis is prepared.

The following specific comments provide examples of the inadequate project description and analysis in the Draft EIR/EIS regarding the analysis of the Castle Commerce Center Heavy Maintenance Facility (the "Type" of comment listed at the end of each comment refers to the list on Page 1 of this letter):

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1. Page 2-85 of the Draft EIR-EIS includes a list of roadways that would be crossed, overpassed or closed as a result of the potential extension of the rail to the proposed HMF at the Castle Commerce Center. Many of these same roadways are also likely to be impacted as part of the main line extension northward to Sacramento. The closure list has a few typographical errors that need to be corrected. The second bullet of closed roads should state Fox Road/Cardella Road access to Santa Fe Drive will be closed. The third bullet should state F Street access to Santa Fe Drive. The fourth bullet should state Airdrome entry/Buhach Road at Santa Fe Drive. (Type 1)

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2. Table 3.2-36 lists the future level of service for the Castle Commerce HMF Site and Table 3.2-55 lists corresponding mitigation. Several issues:
 - a. The intersection of Santa Fe Drive at Belcher is shown to be LOS F. In order to protect the arterial function of Santa Fe Drive, the County of Merced would prefer to restrict Belcher to right-turn in/out at Santa Fe Drive when warranted as an alternative to signalizing this intersection as suggested in the proposed mitigation. (Type 1)
 - b. The intersection of Santa Fe Drive at SR 59 is shown to be LOS F. A dual right turn pocket is proposed. (Table 3.2-54) However, SR 59 is only a two lane road (one lane in each direction); thus a second right-turn lane at this location does not have a receiving lane. Is it recommended to widen SR 59 to include an additional lane and then taper to 2-lanes? (Type 3)
 - c. Tables 3.2-34, 35, 36 & 37 indicate acceptable levels of service at the intersections of Santa Fe Drive with Airdrome Entry/ Buhach Road and F Street. However, both of these intersections appear to be eliminated with construction of an at-grade rail and HMF located at Castle. (See additional discussion related to severed access to the Castle Commerce Center in Attachment 1).
 - d. Tables 3.2-36 & 37 indicate acceptable levels of service at the intersections of Santa Fe Drive with the AME ramps. However, it appears these ramps will be cut-off from access to Santa Fe Drive as a result of the at-grade high speed rail. (See additional discussion related to severed access to the Castle Commerce Center in Attachment 2).
3. The proposed extension of the HST to the site of the Castle HMF Alternative severs access from the Castle Commerce Center to Santa Fe Drive. The intersections of both Santa Fe Drive with Airdrome Entry (commonly referred to

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as Gate 1) and F Street also known as Spaceport Entry (commonly referred to as Gate 2) are shown in the Draft EIR-EIS as being eliminated. Access to the Wallace Road entrance (commonly referred to as Gate 3) into the Castle Commerce Center is shown to remain; however, with the future extension of the HST to Sacramento, it is assumed that this access will also be severed. No alternative method to access Castle Commerce Center has been proposed resulting in completely isolating this area from any public roadway.

772-5

4. The railroad spur serving the Castle Commerce Center will be severed as a result of the proposed High Speed Rail. The rail spur must be perpetuated. This is a significant impact that must be mitigated in order to continue to provide for rail delivery of materials. (Type 3)
5. Impacts to the mobile home park on Fern Street in the Franklin-Beachwood area have not been fully identified in the Draft EIR/EIS. It appears that numerous mobile homes will be impacted as well as a swimming pool area and other facilities. Internal vehicle circulation appears to be disrupted. The project may also impact storm drainage and other utilities that serve the mobile home park. Additional information needs to be provided to show how these issues will be resolved. (Type 2)
6. The high speed rail project not only impacts the existing new school located on Ranchero Lane, but also the proposed new school planned to be constructed by the school district on the property immediately south of the existing school. Additional information on a proposed new school site needs to be provided in the report to fully understand the potential impacts related to relocating this school. (Type 2)

772-6

7. The project appears to impact the planned extension of Ranchero Lane to Santa Fe Drive. In general, circulation in the Franklin-Beachwood Area will be impacted. In 2001, the County of Merced prepared a comprehensive analysis of the build-out of the Franklin-Beachwood area in order to determine improvements to circulation necessary to accommodate planned growth. The proposed extension of the HST through the Franklin-Beachwood area is likely to invalidate the results of the 2001 analysis. It is likely that differing improvements to circulation will be necessary to support planned growth in the Franklin-Beachwood area. In order to better understand the impacts of the HST project, a new traffic analysis for the build-out of the Franklin-Beachwood area needs to be provided. (Type 2)
8. The placement of the high speed rail immediately adjacent to the north side of Santa Fe Drive is likely to impact the future expansion of Santa Fe Drive to 6 lanes. Insufficient information has been provided to fully understand the separation distance between Santa Fe Drive and the HST. Sufficient separation needs to be incorporated in the design to allow for the expansion of Santa Fe Drive to 6 lanes. (Type 2)

772-7

9. Impacts to land uses in the Castle Airport area have not been clearly identified. Which existing buildings are anticipated to be impacted by the project? The

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- 772-7 project will also potentially impact storm drainage infrastructure serving the Castle Airport area; those impacts have not been identified. Which businesses will be displaced as a result of the project? Additional information needs to be provided. (Type 2)
- 772-8 10. Section 2.0 "Alternatives" Fails to note that an operating airport exists at the Castle Commerce Center which pertains directly to the goal of multi-modal facilities. Similarly, in the Section 3.2 "Transportation" Castle Airport is not mentioned under the topic of Air Travel. (Type 2)
- 772-9 11. A more detailed evaluation of the Castle Commerce Center HMF site would reveal the presence of University of California at Merced facilities, and the tremendous opportunities for collaboration and research opportunities for high speed train system in the State, and the HMF site in particular. (Type 2)
- 772-10 12. The corresponding analysis for the other alternative HMF sites has similar shortcomings. One example is the conclusion that the Fagundes Alternative site in Madera County would only convert 168 acres of farmland (Summary, Page S-65), while the more detailed description on Page 2-83 under "Alternatives" lists the acreage as a minimum of 231 and includes the statement: "...however, site would require adjacent land beyond proposal due to site configuration needs." Therefore, the agricultural impacts of this HMF site, as evidenced by the aerial photograph confirming the surrounding agricultural landscape, are understated.

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Detailed Comments on the Draft EIR/EIS:

The following are more specific detailed comments on areas where the Draft EIR/EIS is flawed, contains incomplete or incorrect analysis (the "Type" of comment listed at the end of each comment refers to the list on Page 1 of this letter):

1. The Transportation Technical Report has not been stamped by the engineer in responsible charge of its preparation. Section 6735 of the State of California Professional Engineers Act states that all civil engineering reports shall bear the signature and seal or stamp of the licensee. The transportation technical report includes engineering design conclusions that fall under the classification of a civil engineering report. (Type 1)
2. Table 3.2-1 does not include the Merced County General Plan as a Local Plan that was considered in the preparation of the analysis. (Type 1)
3. Table 3.2-2 of the draft EIR/EIS identifies the roadway level of service determination criteria used throughout the analysis. The source of this table is identified as "Authority (2010a)". It is our understanding that the EIR/EIS is intended to include a Project Level analysis of the transportation impacts. The methodology used in the report appears to be based on level of service methodology included in Table 10.13 the 1965 Highway Capacity Manual. Subsequent versions of the Highway Capacity Manual have resulted in

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significant revisions to the methodology for level of service determination. The criteria contained in the most recent version of the Highway Capacity Manual needs to be used for the analysis.

In lieu of the strict methodology of the Highway Capacity Manual, a well developed traffic simulation model may alternatively be used to determine capacity. (Type 2)

4. Page 6-7 of the traffic appendix concludes that the project will result in a decrease in the number of auto trips on SR 99 north of Merced. This conclusion has not been justified in the document. In fact, it appears the Merced station results in the diversion of trips from the Turlock/Modesto area to the station resulting in added trips to SR 99 in Merced County. North of Modesto, the trips on SR 99 may decrease due to this diversion. However, trips on SR 99 in Merced County seem to be increasing as a result of this project. As a result, what are the impacts of this diverted traffic and is mitigation warranted? (Type 2)
5. The true impact to circulation in Merced County resulting from the High Speed Rail project is not indicated in the traffic report. The next segment of the high speed rail will extend northward to Sacramento resulting in additional road closures that have not been fully analyzed in the Draft EIR/EIS. The Notice of Preparation for the Merced to Sacramento route has already been published and a scoping meeting has been conducted, but as listed under the HMF evaluation section earlier, the relationship between this Draft EIR/EIS to the future northern connection to Sacramento has not been identified or evaluated. (Type 2)
6. Numerous road closures are proposed as part of the HST Project. Attachment 2 to this letter has been prepared focused on the proposed road closures from each HST alternative and the resulting impacts to circulation not fully addressed in the Draft EIR/EIS. Additional information needs to be provided for each of the identified impacts to circulation described in Attachment 2. (Type 2 & 3)
7. Please clarify the operation of the high speed train as it approaches and departs from the Merced Station. Do the trains use the track crossover located near Gerard Avenue as they approach the station. Will the tracks in Merced operate as northbound/southbound in the interim condition? Or will the tracks be bidirectional from the crossover to the station? (Type 2)
8. If feasible, frontage roads and connections to frontage roads should be perpetuated. The frontage roads are required by the Freeway Agreement executed between the California Transportation Commission and Merced County. One of the purposes of the high speed rail project is to reduce traffic volumes on SR 99; eliminating the frontage road and connections to the frontage road will result in increased traffic on SR 99 since the alternative frontage road route will be eliminated. Elimination of frontage road and connections to frontage roads will also result in increased vehicle miles traveled; in order to access private property, longer trip lengths for property owners and tenants will result. Elimination of frontage road and connections to frontage roads will result in traffic being concentrated on County roadways that are not designed to structurally

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accommodate the additional truck traffic resulting in advanced deterioration of the travel surface; some of the roadways that will be impacted include: Henry Street from Gerard Avenue to Mission Avenue and Healy Road from Vassar Road to Sandy Mush Road. Another purpose for the frontage roads is for the diversion of traffic from SR 99 in the event of some type of incident occurring on SR 99 that may require a temporary emergency detour. In addition frontage roads are used by both commuter and recreational bicyclists in order to travel adjacent to the freeway. If a new frontage road is not provided, the Freeway Agreement between Merced County and the State of California needs to be revised. If a new frontage road is not constructed, how will the above impacts be mitigated? (Type 3)

9. Pages 3.2-30 & 34 include a brief description related to hauling construction materials to the site (including imported fill material). However, no attempt has been made to identify the anticipated number of construction trucks. This information is necessary in order to determine the potential impact of construction on the travel surface and structural section of existing roadways leading to the construction site. Numerous trucks traveling on County roadways that normally experience only minor amounts of truck traffic will experience significant distress leading to rapid deterioration. It does appear, however, that Item 6 in Section 3.2.6 is included as part of the project description to cover any impacts occurring as a result of construction vehicles. (Type 2)

10. The analysis should identify proposed areas to be used by the contractor for temporary storage of equipment and materials. (Type 2)

The County is available to meet with HST staff to work through any or all of the issues addressed in this letter.

If you have any questions or need any additional information, please call Paul Fillebrown at (209) 385-7654 or e-mail him at pfillebrown@co.merced.ca.us.

Sincerely,


Mark Hendrickson,
Director, Commerce Aviation and
Economic Development


Paul A. Fillebrown, P.E.
Interim Director of Planning
Director of Public Works

Attachments:

- Attachment 1 – Detail of Comments on the Draft EIR/EIS Including Points Supporting Selection of UPRR/SR99 Alignment
- Attachment 2 – Road Closure Impacts to Circulation

Attachment 1

Detail of Comments on the Draft EIR/EIS Including Points
Supporting Selection of UPRR/SR99 Alignment

The following bullet points are taken directly from the Merced to Fresno segment Draft EIR/EIS, and have been used as part of the rationale for our comments regarding general EIR/EIS comments, the alignment selection, and the heavy maintenance facility. Each sub-section corresponds to that specific Draft EIR/EIS Chapter.

Summary

- The UPRR/SR99 would provide the shortest potential guideway length and fastest travel (p. S-17)
- The BNSF would be approximately 2 to 9 miles longer, and would require much larger radius curves than the existing BNSF railway (p. S-18)
- UPRR/SR99 would have fewer road closures than the BNSF Alternative or the Hybrid because of its extensive elevation adjacent to UPRR and SR99 (p. S-17)
- UPRR/SR99 would close between 10 and 25 roads, while BNSF would close 15-42 (varies by alignment option) (Table S-4, p. S-28)
- UPRR/SR99 would affect the fewest acres of Important Farmland and Williamson Act land, and would cause the least severance of farmlands of all the alternatives because more of the guideway would diverge from existing major transportation corridors (p. S-18, 19)
- BNSF is the only alternative that would affect the Great Valley Conservation Band (a mitigation bank) and federally designated critical habitat for five vernal pool associated species. Most of the BNSF design options would have greater effects on waters under U.S. Army Corps of Engineers jurisdiction than UPRR/SR99 and would impact more than twice as many acres of vernal pools and other seasonal wetland than the Hybrid, and more than five times as many as the UPRR/SR99 (p. S-19)
- BNSF would lower visual quality in the greatest number of landscape units; it would result in visual impacts on the community of Le Grand where the elevated guideway would extend along the BNSF through the town. This effect could not be fully mitigated, thus causing a lasting effect on an environmental justice population (p. S-19)
- Castle HMF would cost approx. \$1.067 billion (vs. \$660.8 million for the others) because it would require an access guideway from the Downtown Merced station (p. S-22) - unfair to include this assessment when the northern alignment to Sacramento has yet to be determined and/or studied
- Bio Resources Impacts: (excludes Hybrid option)
 - o Construction Related (p. S-31-32)
 - Acres of temporary disturbance to habitat with potential to support special status PLANT species (UPRR:60-72; BNSF:186-218)
 - Acres of temporary disturbance of habitat with potential to support special-status WILDLIFE species (UPRR: 326-440; BNSF: 209-447)
 - Acres of temporary disturbance to VERNAL POOLS or SEASONAL WETLANDS (UPRR:1; BNSF: 1-2)

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- Acres of temporary disturbance of RIPARIAN communities (both 2-3)
 - Project Related (p. S-32-34)
 - Acres of permanent conversion of habitat to support special status PLANT species (UPRR:169-221; BNSF: 322-453)
 - Acres of permanent conversion of habitat to support special status WILDLIFE species (UPRR: 1288-1999; BNSF: 1718-2496)
 - Acres of Impacts to Waters of US (UPRR: 15-33; BNSF: 26-46)
 - Acres of impacts to VERNAL POOLS or SEASONAL WETLANDS (UPRR:1-2; BNSF: 9-14)
 - Acres of impacts to RIPARIAN communities (UPRR:4-16; BNSF: 4-11)
 - Number of CONSERVATION AREAS affected (UPRR: 1; BNSF: 2)
 - Miles of WILDLIFE CROSSINGS traversed (UPRR:3.6-4.1; BNSF: 6.1-6.4)
- Agricultural Lands (p. S-35)
 - Acres of IMPORTANT FARMLANDS affected (UPRR: 548-1158; BNSF: 835-1502)
 - Acres of WILLIAMSON ACT affected (UPRR: 77-270; BNSF: 182-538)
 - Castle HMF: least permanent conversion of agricultural land to non-agricultural (114 AC) (p. S-65)
- Visual/Aesthetic (P. s-37)
 - Number of landscape units with decreased visual quality (UPRR: 2-3; BNSF: 4-5)
- Transportation (P. S-39)
 - Permanent road closures (UPRR: 20-29; BNSF: 27-40)

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2.0 Alternatives

Castle Commerce Facility

- Fails to note that an operating airport exists at Castle (pertains directly to goal of multi-modal)
- Doesn't mention University of California-Merced and the opportunities for collaboration

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3.2 Transportation

- Air Travel – Castle is not mentioned (p. 3.2-10)

3.3 Air Quality

- Air impacts from operation approximately the same for all alignments (p. 3.3-35)
- Ave 21 wye emissions 1-3% higher than Ave 24 for entire construction duration due to longer elevated track length (p. 3.3-37)
- Period of construction for HMF would be approximately 18 months, spread between Aug 2010 and July 2021 (p. 3.3-45)

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3.4 Noise and Vibration

- Noise-sensitive receivers in the vicinity of the lead track necessary for access to the Castle Commerce Center would result in moderate and severe noise impacts (p. 3.4-29)
- One vibration impact for each of the BNSF alternatives at Le Grand (p. 3.4-29)
- Many moderate noise impacts on BNSF alignments in Le Grand (map, p. 3.4-34)
- Many more noise mitigation areas along BNSF routes than UPRR routes (map, p. 3.4-47)
- UPRR alignment will have 204-238 severe effects locations without sound barriers, where BNSF will have 313-363 (table, p. 3.4-52)

3.6 Public Utilities and Energy

- HMF at Castle would generate most waste because the site is partially developed and would require the longest access guideway (p.3.6-29) - unfair to include this assessment when the northern alignment to Sacramento has yet to be determined and/or studied
- Castle HMF would require additional BTU's of energy due to additional 7 miles guideway - unfair to include this assessment when the northern alignment to Sacramento has yet to be determined and/or studied

3.7 Biological Resources and Wetlands

- More impacts to regional habitats of concern from BNSF alignments (maps, p. 3.7-20, 22), particularly Great Valley Conservation Bank, greater areas of wildlife corridors (map, p.3.7-28)
- Eastman Lake-Bear Creek ECA impacts (BNSF: intersect 6 mi ECA, cross 5-9 watercourses; UPRR: intersect 3.6-4.1 mi ECA, cross 0-2 watercourses) (p. 3.7-30)
- Berenda Slough and Fresno River Channel (BNSF: intersect 3.6-9.1 mi, cross 4-8 watercourses; UPRR: 3.6-7.75 mi, cross 0-8 watercourses) (p. 3.7-30)
- Habitat along UPRR alternative mostly developed areas and agricultural lands; the prevalence and extent of converted natural and agricultural lands have resulted in special-status habitat of low quality overall along the UPRR Alternative (p. 3.7-33)
- Although the same special-status wildlife and plant species have the potential to occur along the BNSF alt. as along the UPRR alt., the greater extent and relatively higher quality of California annual grassland and vernal pool habitat associated with the BNSF alt. results in a higher likelihood that special-status species dependent on these habitat types would occur. (p. 3.7-35)
- BNSF alt. would result in moderate effect to critical habitat, while other two would have no effect; Harris-DeJager would have moderate effects on the Eastman Lake-Bear Creek ECA while the other four HMF sites would have no effect (p. 3.7-43)

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3.8 Hydrology and Water Resources

- UPRR would cross 20-27 natural water bodies; BNSF would cross 30-37 natural water bodies; most crossings would require in-water work for construction of supporting piers (p. 3.8-24)
- UPRR would cross a total of 98-113 water bodies, 20-27 of which are natural bodies – although more than total crossings for BNSF, there are fewer natural crossings (p. 3.8-27)
- Construction of spur track to Castle would make 17 acres impervious (p. 3.8-32) - unfair to include this assessment when the northern alignment to Sacramento has yet to be determined and/or studied

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3.11 Safety and Security

- Castle HMF would be closest to each a fire station, police station, and hospital (p. 3.11-14)

3.12 Socioeconomics, Communities, and Environmental Justice

- Only Atwater, Merced, and Le Grand experience an increase in below-poverty-level status from 2000 to 2009 (p. 3.12-10)
- Compared to the region, the BNSF alternatives study area had a lower median household income (p. 3.12-12)
- BNSF (Mission Ave and Mariposa Way design options) bisect part of Le Grand (p. 3.12-23), where the other two options travel east of the community through agricultural land rather than paralleling BNSF north of Le Grand
- 8 community facilities within the study area of Castle HMF; the other 4 HMF's have none (p. 3.12-24) - unfair to include this assessment when the northern alignment to Sacramento has yet to be determined and/or studied
- Castle HMF would have more social impacts than the other 4 due to guideway – will bisect Franklin-Beachwood and require residential displacements (p. 3.12-31)
- Without mitigation, disproportionately high and adverse effects would occur for communities of concern in the unincorporated communities of Le Grand (under BNSF Mission or Mariposa), Fairmead (UPRR), and Franklin-Beachwood due to Castle HMF (p. 3.12-31)
- People who must relocate outside of the Le Grand, Fairmead, or Franklin-Beachwood communities (because of lack of an adequate supply of replacement housing) would be isolated from their communities. Mitigation measures could include avoiding residential displacements, or providing replacement housing in Le Grand, Fairmead, or Franklin-Beachwood (p. 3.12-31)

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3.13 Station Planning, Land Use, and Development

- Merced County General Plan not referenced

EIR/EIS Detailed Comments

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- The presence of an HMF would have greater potential for indirect land use changes than the other alternative elements because many of the HMF alternatives would be located in rural areas and approximately 5 miles from urban areas that could provide services (ie has stations and restaurants) to HMF employees. The exceptions would be the Castle HMF site, which already contains mixed land uses and service-type development. (p. 3.13-15) and because Atwater would provide services to HMF employees (p. 3.13-25)
- The project may use any of the proposed HMF sites during construction as a possible staging area; after construction, the land not needed for the project would return to existing agricultural use (p. 3.13-17)
- Total permanent land use impacts acres: UPRR 1576-1619, BNSF 1962-2179 (includes residential, commercial, industrial, institutional, agriculture, parks & open space (table 3.13-1 p. 3.13-18) -
- Castle HMF results in the least agricultural conversion (of the 5 total sites) by at least 75 acres (p. 3.13-19)
- Castle HMF would result in negligible indirect impacts on surrounding land use, where the other four could potentially result in unplanned development from the demand for services by facility employees (p. 3.13-27)

3.14 Agricultural Lands

- BNSF route would impact large numbers of 'deciduous fruit and nut trees' though Merced County (map, p. 3.14-15)
- Protected farmlands are not concentrated along the UPRR transportation corridor (map, p. 3.14-19)
- No dairies exist on the UPRR alternative and no conservation easements (p. 3.14-21)
- One dairy option (Mission Ave) could be impacted on BNSF, but not on Mariposa alt.
- Important Farmland impact (UPRR: 1037-1158, BNSF:1411-1481); Castle 114 (the least of the 5) (p. 3.14-23)
- Williamson Act ACRES (UPRR:130-261, BNSF:396-538) Williamson Act PARCELS (UPRR:46-82, BNSF :117-156) (p. 3.14-23)
- Agricultural impacts already assumes that the Authority would acquire the smallest property remainders (p. 3.14-31)
- Castle HMF would not impact any Williamson Act land (p. 3.14-35)

3.15 Parks, Recreation, and Open Space

- Guideway to Castle HMF would take out a park (Joe Stefani school) – the only HMF to affect open space (p. 3.15-34) - unfair to include this assessment when the northern alignment to Sacramento has yet to be determined and/or studied

772-17

EIR/EIS Detailed Comments

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Submission 772 (Mark (1), Paul (2) Hendrickson (1), Fillebrown (2), Merced County, October 13, 2011) - Continued

Merced County Planning and Community Development

Attachment 1

3.16 Aesthetics and Visual Resources

772-18

- BNSF alternative will have significant impacts in Le Grand (p. 3.16-27)
- BNSF alternative would require roadway overcrossings, which would be supported by relatively large mounds of earth retained by walls. Construction of the overcrossings would remove orchards and block views in a locally designated scenic corridor. No other alternative has this effect at this location (Le Grand) (p. 3.16-61) – Merced County General Plan designates Sierra views as an aesthetic amenity

772-19

3.17 Cultural and Paleontological Resources

- Merced County General Plan not referenced again in this section
- Errors on figures 3.17-8, 3.17-6 – errant 'Castle Commerce Center Site' text in middle of figures
- Is Le Grand train station (on Santa Fe) listed as a historical resource? No evidence in EIR/EIS

3.18 Regional Growth

772-20

- HST would be a strong influence in attracting higher-wage jobs to the Central Valley (p. 3.18-1)
- Merced County has highest unemployment rate of the 3 counties, and much higher than state (p. 3.18-11)
- HMF costs much higher for Castle than other 4 (p. 3.18-17) - unfair to include this assessment when the northern alignment to Sacramento has yet to be determined and/or studied

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Attachment 2

Road Closure Impacts to Circulation

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Each Alternative Alignment for the HST through Merced County will result in multiple road closures resulting from the proposed at-grade construction of the HST. These closures create impediments to circulation resulting in the inability to access private property and/or impacting circulation. Many public and private roads will be severed by construction of the HST creating dead-end road segments which may cause circulation confusion for motorists, inadequate turnaround features, lengthy alternative circulation routes, and incomplete connectivity. Some of the closures have the potential to increase commute times as well as increase response times for emergency service response.

In many cases, the environmental document has not identified specific improvements necessary to perpetuate circulation. The DEIR proposes a generalized mitigation measure (TR MM#1) to address these impacts to circulation. However, in order for Merced County and impacted residents to better understand how access will be perpetuated, more specific detail needs to be provided.

Specific impediments to circulation that need to be resolved are described below. In order to better understand the impacts from each alternative, the following information is organized by alternative. Impacts to circulation resulting from the BNSF alternatives are noticeable more numerous than the UPRR/SR 99 alternatives.

All HST Alternatives

- All roads that will be severed by construction of the HST shall be appropriately signed as dead-end roads and shall have paved turnarounds constructed at their terminus in conformance with Merced County Department of Public Works Improvement Standards.
- All property owners who currently solely utilize private roadways for access to a public road which will have access severed by construction of the HST must be provided alternative access to prevent their property from being land-locked. In order to provide each property owner with an understanding of how access will be perpetuated, each parcel needs to be individually and specifically addressed.

BNSF Alternative - Mariposa Way Design Option

The following road closures will sever access from parcels to public roads. In order to understand how access will be perpetuated, additional detail needs to be provided for each of the parcels:

- The HST will cross Morley Avenue at approximately 0.12 miles north of Mariposa Way, leaving the remaining 0.16-mile northernmost section of Morley Avenue completely isolated from public access. This will result in the following parcels, or portions thereof, which currently front on this remaining segment of Morley Avenue from having continuity with the County Road System: APN 067-060-001, APN 067-060-002, APN 067-060-003, and APN 067-060-004.

Submission 772 (Mark (1), Paul (2) Hendrickson (1), Fillebrown (2), Merced County, October 13, 2011) - Continued

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- The HST will cross Banks Road at approximately 0.29 miles south of Santa Fe Avenue. No additional portion of Banks Road will exist south of the HSR; however, there are portions of parcels located at the south end of Banks Road (APN 067-060-041, and APN 068-010-017), which currently front on Banks Road, which may thereafter have no access with the County Road System.
- The HST will cross Childs Court at approximately 400 feet east of Childs Avenue. No additional portion of Childs Court will exist east of the HSR; however, there are two parcels (APN 259-150-014 and APN 035-140-028) currently located at the east end of Childs Court, which may thereafter have no access with the County Road System. Furthermore, utilities which currently exist between the UPRR and Childs Court will have their access severed by the HST, and will also need to be provided a reasonable alternative access.
- The HST will cross Brantley Street at approximately 0.18 miles north of Childs Avenue. No additional portion of Brantley Street will exist north of the HSR; however, there are two parcels currently located on the north end of Brantley Street (APN 035-130-007 and APN 035-130-045), which may thereafter have no access with the County Road System. Furthermore, utilities which currently exist between the UPRR and Childs Court will have their access severed by the HST, and will also need to be provided a reasonable alternative access.

The following impacts associated with the road closures will result in motorists that typically use the roadways to re-route to other roadways causing a minimum of two (2.0) additional miles of travel distance. We believe a diversion greater than two miles resulting from a road closure is significant. As a result, we believe improvements need to be constructed to reduce the diversion to less than two miles; the continuity of the roads need to be maintained by constructing a roadway overcrossing over the HST, or the HST needs to have an elevated construction, or an alternative roadway needs to be constructed. Additional detail needs to be provided so the County and residents can evaluate the improvement to be constructed to address this impact:

- The HST will cross White Rock Road adjacent to the south side of the BNSF Railroad, thereby closing access across the BNSF Railroad, resulting in making the remaining 0.64-mile section of White Rock Road south of Buchanan Hollow Road a dead-end road; thereafter, requiring all traffic which currently uses this crossing to re-route using Buchanan Hollow Road, potentially creating as much as a 2.5-mile diversion for some motorists.
- The HST will cross Ipsen Avenue adjacent to the south side of the BNSF Railroad, thereby closing access across the BNSF Railroad, resulting in making the remaining 300-foot section of Ipsen Avenue south Wade Avenue as a dead-end road; thereafter, requiring all traffic which currently uses this crossing to re-route using Le Grand Road, potentially creating as much as a 3.7-mile diversion for some motorists.
- The HST will cross Whealan Road between Mariposa Way and Kadota Avenue, resulting in making both the remaining 0.19-mile section of Whealan Road north of Mariposa Way, as well as the remaining 0.80-mile section south of Kadota Avenue, as dead-end roads; thereafter, requiring all traffic to re-route using Plainsburg Road and Kadota Avenue, potentially creating as much as a 4.0-mile diversion for some motorists.

Road Closure Impacts

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- The HST will cross McHenry Road between Orchard Drive and Alfalfa Avenue, resulting in making both the remaining 0.56-mile section of McHenry Road west of Orchard Drive, as well as the remaining 0.60-mile section east of Alfalfa Avenue, as dead-end roads; thereafter, requiring all traffic to re-route using Alfalfa Avenue, Mission Avenue, and Orchard Drive, potentially creating as much as a 5.5-mile diversion for some motorists.
- The HST will cross Vassar Avenue between Alfalfa Avenue and Miles Road, resulting in making both the remaining 300-foot section of Vassar Avenue east of Alfalfa Avenue, as well as the remaining 0.57-mile section west of Miles Road, as dead-end roads; thereafter, requiring all traffic to re-route using Alfalfa Avenue, Mission Avenue, and Miles Road, potentially creating as much as a 2.9-mile diversion for some motorists.

BNSF Alternative - Mission Ave Design Option

The following road closures will sever access from parcels to public roads. In order to understand how access will be perpetuated, additional detail needs to be provided for each of the parcels:

- The HST will cross Morley Avenue at approximately 0.58 miles south of Mission Avenue. No additional public portion of Morley Avenue will exist south of the HSR; however, there will be a portion of the parcel (APN 067-010-021) currently located on the south end of Morley Avenue that may thereafter have no access to Morley Avenue, or any other public road.
- The HST will cross Childs Court at approximately 400 feet east of Childs Avenue. No additional portion of Childs Court will exist east of the HSR; however, there are two parcels (APN 259-150-014 and APN 035-140-028) currently located at the east end of Childs Court, which may thereafter have no access with the County Road System. Furthermore, utilities which currently exist between the UPRR and Childs Court will have their access severed by the HST, and will also need to be provided a reasonable alternative access.
- The HST will cross Brantley Street at approximately 0.18 miles north of Childs Avenue. No additional portion of Brantley Street will exist north of the HSR; however, there are two parcels currently located on the north end of Brantley Street (APN 035-130-007 and APN 035-130-045), which may thereafter have no access with the County Road System. Furthermore, utilities which currently exist between the UPRR and Childs Court will have their access severed by the HST, and will also need to be provided a reasonable alternative access.

The following impacts associated with the road closures will result in motorists that typically use the roadways to re-route to other roadways causing a minimum of two (2.0) additional miles of travel distance. We believe a diversion greater than two miles resulting from a road closure is significant. As a result, we believe improvements need to be constructed to reduce the diversion to less than two miles; the continuity of the roads need to be maintained by constructing a roadway overcrossing over the HST, or the HST needs to have an elevated construction, or an alternative roadway needs to be constructed. Additional detail needs to be provided so the County and residents can evaluate the improvement to be constructed to address this impact:

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- The HST will cross White Rock Road adjacent to the south side of the BNSF Railroad, thereby closing access across the BNSF Railroad, resulting in making the remaining 0.64-mile section of White Rock Road south of Buchanan Hollow Road a dead-end road; thereafter, requiring all traffic which currently uses this crossing to re-route using Buchanan Hollow Road, potentially creating as much as a 2.5-mile diversion for some motorists.
- The HST will cross Ipsen Avenue adjacent to the south side of the BNSF Railroad, thereby closing access across the BNSF Railroad, resulting in making the remaining 300-foot section of Ipsen Avenue south Wade Avenue as a dead-end road; thereafter, requiring all traffic which currently uses this crossing to re-route using Le Grand Road, potentially creating as much as a 3.7-mile diversion for some motorists.
- The HST will cross Whealan Road between Mission Avenue and Kadota Avenue, resulting in making both the remaining 0.23-mile section of Whealan Road south of Mission Avenue, as well as the remaining 0.31-mile section north of Kadota Avenue, as dead-end roads; thereafter, requiring all traffic to re-route using Gerard Avenue, Plainsburg Road and Kadota Avenue, potentially creating as much as a 4.1-mile diversion for some motorists.
- The HST will cross Miles Road between Mission Avenue and Vassar Avenue, resulting in making both the remaining 0.24-mile section of Miles Road south of Mission Avenue, as well as the remaining 0.30-mile section north of Vassar Avenue, as dead-end roads; thereafter, requiring all traffic to re-route using Mission Avenue, Alfalfa Avenue, and Vassar Avenue, and potentially creating as much as a 2.9-mile diversion for some motorists.

BNSF Alternative – Mariposa Way East of Le Grand Design Option

The following road closures will sever access from parcels to public roads. In order to understand how access will be perpetuated, additional detail needs to be provided for each of the parcels:

- The HST will cross Wade Avenue at approximately 0.11 miles east of Clausen Road, leaving the remaining 0.19-mile eastern section of Wade Avenue completely isolated from public access. This will result in the following parcels, or portions thereof, which currently front on this remaining segment of Wade Avenue from having continuity with the County Road System: APN 068-110-022, APN 068-110-023, and APN 068-130-001.
- The HST will cross Morley Avenue at approximately 0.19 miles north of Mariposa Way, leaving the remaining 500-foot northern section of Morley Avenue completely isolated from public access. This will result in the following parcels, or portions thereof, which currently front on this remaining segment of Morley Avenue from having continuity with the County Road System: APN 067-060-001, APN 067-060-002, APN 067-060-003, and APN 067-060-004.
- The HST will cross Childs Court at approximately 400 feet east of Childs Avenue. No additional portion of Childs Court will exist east of the HSR; however, there are two parcels (APN 259-150-014 and APN 035-140-028) currently located at the east end of Childs Court, which may thereafter have no access with the County Road System. Furthermore, utilities which currently exist between the UPRR and Childs Court will have their access severed by the HST, and will also need to be provided a reasonable alternative access.

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- The HST will cross Brantley Street at approximately 0.18 miles north of Childs Avenue. No additional portion of Brantley Street will exist north of the HSR; however, there are two parcels currently located on the north end of Brantley Street (APN 035-130-007 and APN 035-130-045), which may thereafter have no access with the County Road System. Furthermore, utilities which currently exist between the UPRR and Childs Court will have their access severed by the HST, and will also need to be provided a reasonable alternative access.

The following impacts associated with the road closures will result in motorists that typically use the roadways to re-route to other roadways causing a minimum of two (2.0) additional miles of travel distance. We believe a diversion greater than two miles resulting from a road closure is significant. As a result, we believe improvements need to be constructed to reduce the diversion to less than two miles; the continuity of the roads need to be maintained by constructing a roadway overcrossing over the HST, or the HST needs to have an elevated construction, or an alternative roadway needs to be constructed. Additional detail needs to be provided so the County and residents can evaluate the improvement to be constructed to address this impact:

- The HST will cross Clausen Road between Wade Avenue and Le Grand Road, resulting in making both the remaining 0.14-mile section of Clausen Road north of Wade Avenue, as well as the resulting 0.85-mile section south of Le Grand Road, as dead-end roads; thereafter, requiring all traffic to re-route using Wade Avenue, Ipsen Street, Santa Fe Avenue, and Le Grand Road and White Rock Road, potentially creating as much as a 4.7-mile diversion for some motorists.
- The HST will cross Ipsen Street between Le Grand Road and Wade Avenue, resulting in making both the remaining 0.36-mile section of Ipsen street south of Le Grand Road, as well as the resulting 0.64-mile section north of Wade Avenue, as dead-end roads; thereafter, requiring all traffic to re-route using Le Grand Road and Santa Fe Avenue, potentially creating as much as a 3.7-mile diversion for some motorists.
- The HST will cross Whealan Road between Mariposa Way and Kadota Avenue, resulting in making both the remaining 0.19-mile section of Whealan Road north of Mariposa Way, as well as the remaining 0.80-mile section south of Kadota Avenue, as dead-end roads; thereafter, requiring all traffic to re-route using Plainsburg Road and Kadota Avenue, potentially creating as much as a 4.0-mile diversion for some motorists.
- The HST will cross McHenry Road between Orchard Drive and Alfalfa Avenue, resulting in making both the remaining 0.56-mile section of McHenry Road west of Orchard Drive, as well as the remaining 0.60-mile section east of Alfalfa Avenue, as dead-end roads; thereafter, requiring all traffic to re-route using Alfalfa Avenue, Mission Avenue, and Orchard Drive, potentially creating as much as a 5.5-mile diversion for some motorists.
- The HST will cross Vassar Avenue between Alfalfa Avenue and Miles Road, resulting in making both the remaining 300-foot section of Vassar Avenue east of Alfalfa Avenue, as well as the remaining 0.57-mile section west of Miles Road, as dead-end roads; thereafter, requiring all traffic to re-route using Alfalfa Avenue, Mission Avenue, and Miles Road, potentially creating as much as a 2.9-mile diversion for some motorists.

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Submission 772 (Mark (1), Paul (2) Hendrickson (1), Fillebrown (2), Merced County, October 13, 2011) - Continued

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BNSF Alternative – Mission Ave East of Le Grand Design Option

The following road closures will sever access from parcels to public roads. In order to understand how access will be perpetuated, additional detail needs to be provided for each of the parcels:

- The HST will cross Morley Avenue at approximately 0.33 miles south of Mission Avenue, leaving the remaining 0.25-mile southern section of Morley Avenue completely isolated from public access. This will result in the following parcels, or portions thereof, which currently front on this remaining segment of Morley Avenue from having continuity with the County Road System: APN 067-010-020, APN 067-010-021, APN 067-010-022, and APN 067-010-036.
- The HST will cross Childs Court at approximately 400 feet east of Childs Avenue. No additional portion of Childs Court will exist east of the HSR; however, there are two parcels (APN 259-150-014 and APN 035-140-028) currently located at the east end of Childs Court, which may thereafter have no access with the County Road System. Furthermore, utilities which currently exist between the UPRR and Childs Court will have their access severed by the HST, and will also need to be provided a reasonable alternative access.
- The HST will cross Brantley Street at approximately 0.18 miles north of Childs Avenue. No additional portion of Brantley Street will exist north of the HSR; however, there are two parcels currently located on the north end of Brantley Street (APN 035-130-007 and APN 035-130-045), which may thereafter have no access with the County Road System. Furthermore, utilities which currently exist between the UPRR and Childs Court will have their access severed by the HST, and will also need to be provided a reasonable alternative access.

The following impacts associated with the road closures will result in motorists that typically use the roadways to re-route to other roadways causing a minimum of two (2.0) additional miles of travel distance. We believe a diversion greater than two miles resulting from a road closure is significant. As a result, we believe improvements need to be constructed to reduce the diversion to less than two miles; the continuity of the roads need to be maintained by constructing a roadway overcrossing over the HST, or the HST needs to have an elevated construction, or an alternative roadway needs to be constructed. Additional detail needs to be provided so the County and residents can evaluate the improvement to be constructed to address this impact:

- The HST will cross White Rock Road adjacent to the south side of the BNSF Railroad, thereby closing access across the BNSF Railroad, resulting in making the remaining 0.64-mile section of White Rock Road south of Buchanan Hollow Road a dead-end road; thereafter, requiring all traffic which currently uses this crossing to re-route using Buchanan Hollow Road, potentially creating as much as a 2.5-mile diversion for some motorists.
- The HST will cross Wade Avenue between Ipsen Street and Clausen Road, resulting in making both the remaining 0.17-mile section of Wade Avenue east of Ipsen Street, as well as the 0.31-mile section west of Clausen Road, as dead-end roads; thereafter, requiring all traffic to re-route using Ipsen Street, Santa Fe Avenue, Le Grand Road, and Clausen Road, potentially creating as much as a 4.7-mile diversion for some motorists. (However, Damtew Ayele, an Engineer with

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AECOM indicated by email on 8/19/11 that the plans incorrectly label that Wade Avenue will be closed with this alignment.)

- The HST will cross Ipsen Avenue between Wade Avenue and Le Grand Road, resulting in making both the remaining 0.30-mile section of Ipsen street north of Wade Avenue, as well as the resulting 0.70-mile section south of Le Grand Road, as dead-end roads; thereafter, requiring all traffic to re-route using Le Grand Road and Santa Fe Avenue, potentially creating as much as a 3.7-mile diversion for some motorists. (However, Damtew Ayele, an Engineer with AECOM indicated by email on 8/19/11 that the plans incorrectly label that Ipsen Avenue will be closed with this alignment.)
- The HST will cross Whealan Road between Mission Avenue and Kadota Avenue, resulting in making both the remaining 0.23-mile section of Whealan Road south of Mission Avenue, as well as the remaining 0.31-mile section north of Kadota Avenue, as dead-end roads; thereafter, requiring all traffic to re-route using Gerard Avenue, Plainsburg Road and Kadota Avenue, potentially creating as much as a 4.1-mile diversion for some motorists.
- The HST will cross Miles Road between Mission Avenue and Vassar Avenue, resulting in making both the remaining 0.24-mile section of Miles Road south of Mission Avenue, as well as the remaining 0.30-mile section north of Vassar Avenue, as dead-end roads; thereafter, requiring all traffic to re-route using Mission Avenue, Alfalfa Avenue, and Vassar Avenue, and potentially creating as much as a 2.9-mile diversion for some motorists.

UPRR/SR 99 Alternative – Hybrid Design Option

The following road closures will sever access from parcels to public roads. In order to understand how access will be perpetuated, additional detail needs to be provided for each of the parcels:

- The HST will cross Childs Court at approximately 400 feet east of Childs Avenue. No additional portion of Childs Court will exist east of the HSR; however, there are two parcels (APN 259-150-014 and APN 035-140-028) currently located at the east end of Childs Court, which may thereafter have no access with the County Road System. Furthermore, utilities which currently exist between the UPRR and Childs Court will have their access severed by the HST, and will also need to be provided a reasonable alternative access.
- The HST will cross Brantley Street at approximately 0.18 miles north of Childs Avenue. No additional portion of Brantley Street will exist north of the HSR; however, there are two parcels currently located on the north end of Brantley Street (APN 035-130-007 and APN 035-130-045), which may thereafter have no access with the County Road System. Furthermore, utilities which currently exist between the UPRR and Childs Court will have their access severed by the HST, and will also need to be provided a reasonable alternative access.

The following impacts associated with the road closures will result in motorists that typically use the roadways to re-route to other roadways causing a minimum of two (2.0) additional miles of travel distance. We believe a diversion greater than two miles resulting from a road closure is significant. As a result, we believe improvements need to be constructed to reduce the diversion to less than two miles; the continuity of the roads need to be maintained by constructing a roadway

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Submission 772 (Mark (1), Paul (2) Hendrickson (1), Fillebrown (2), Merced County, October 13, 2011) - Continued

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overcrossing over the HST, or the HST needs to have an elevated construction, or an alternative roadway needs to be constructed. Additional detail needs to be provided so the County and residents can evaluate the improvement to be constructed to address this impact:

- The HST will cross Lingard Road just south of the UP Railroad, thereby closing access across the UP Railroad to the future SR 99 frontage road, resulting in making the remaining 0.25-mile section of Lingard Road east of Thrift Road, a dead-end road; thereafter, requiring all traffic which would use this frontage road for access to SR 99, to re-route to the nearest interchange (Mission Avenue) using Givens Lustre Road, McMaster Road, Healy Road, Vassar Avenue, and Henry Street, potentially creating as much as a 2.7-mile longer diversion for some motorists.

UPRR/SR 99 Alternative – Ave 21/Ave 24 Wye Design Option

The following road closures will sever access from parcels to public roads. In order to understand how access will be perpetuated, additional detail needs to be provided for each of the parcels:

- The HST will cross Childs Court at approximately 400 feet east of Childs Avenue. No additional portion of Childs Court will exist east of the HSR; however, there are two parcels (APN 259-150-014 and APN 035-140-028) currently located at the east end of Childs Court, which may thereafter have no access with the County Road System. Furthermore, utilities which currently exist between the UPRR and Childs Court will have their access severed by the HST, and will also need to be provided a reasonable alternative access.
- The HST will cross Brantley Street at approximately 0.18 miles north of Childs Avenue. No additional portion of Brantley Street will exist north of the HSR; however, there are two parcels currently located on the north end of Brantley Street (APN 035-130-007 and APN 035-130-045), which may thereafter have no access with the County Road System. Furthermore, utilities which currently exist between the UPRR and Childs Court will have their access severed by the HST, and will also need to be provided a reasonable alternative access.

CASTLE HMF Alternative Design Option

Two very significant circulation issues are created as a result of the proposed extension of the HST northward to the Castle HMF Alternative Site. No details have been provided in the Draft EIR-EIS to address these impacts which are summarized below:

- **Access into Castle Commerce Center:** The proposed extension of the HST to the site of the Castle HMF Alternative severs access from the Castle Commerce Center to Santa Fe Drive. The intersections of both Santa Fe Drive with Airdrome Entry (commonly referred to as Gate 1) and F Street also known as Spaceport Entry (commonly referred to as Gate 2) are shown in the Draft EIR-EIS as being eliminated. Access to the Wallace Road entrance (commonly referred to as Gate 3) into the Castle Commerce Center is shown to remain; however, with the future extension of the HST to Sacramento, it is assumed that this access will also be

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severed. No alternative method to access Castle Commerce Center has been proposed resulting in completely isolating this area from any public roadway.

In order to understand how access to the Castle Commerce Center will be perpetuated, additional information needs to be provided. It is vital that access between Santa Fe Drive and the Castle Commerce Center be perpetuated since the majority of employees living in Merced working at the Castle Commerce Center use Santa Fe Drive as their primary access route.

- **Atwater-Merced Expressway (AME):** The Board of Supervisors adopted a General Plan Amendment adding the alignment for the AME project to the Circulation Diagram in 2009. The proposed extension of the HST along Santa Fe Drive will sever the intersection of AME with Santa Fe Drive. The connection between AME and Santa Fe Drive is a vital intersection between two primary arterials serving Merced County and the Atwater-Merced area. Any change to the AME project will require a redesign of the AME project, additional environmental analysis, and the adoption of a revised alignment by the Merced County Board of Supervisors. The Merced County Association of Governments (MCAG) has retained a consultant to begin design for the AME Project. Much of the design work may become invalid with a change in design to accommodate the HST. As a result, additional information needs to be provided to indicate how the HST project will accommodate the intersection of AME with Santa Fe Drive.

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Response to Submission 772 (Mark (1), Paul (2) Hendrickson (1), Fillebrown (2), Merced County, October 13, 2011)

772-1

See MF-Response-GENERAL-10. Please see Final EIR/EIS Chapter 7.0 for a description of the Preferred Alternative.

772-2

Please see MF-Response-GENERAL-20.

772-3

The typographical errors on page 2-85 regarding roadway closures have been corrected in the FEIR/EIS.

772-4

See MF-Response-General-15: HMF Decision

772-5

See MF-Response-SOCIAL-1, MF-Response-SOCIAL-4, and MF-Response-PUE-5.

The mobile home park would be affected by the guideway to the Castle Commerce Center HMF and the impacts are addressed in Section 3.12.5, Socioeconomics, Communities, and Environmental Justice.

Additional research has been conducted for the Final EIR/EIS to ensure all reasonable foreseeable future actions have been incorporated into Section 3.19 (Cumulative Impacts) and any additional analysis has been conducted to address the impacts. This included research into the area south of Joe Stefani Elementary School and no school is currently proposed in this location based upon conversations with the Merced County School District.

772-6

See MF-Response-GENERAL-15 and MF-Response-TRAFFIC-2.

772-7

See MF-Response-PUE-5. Section 3.12.5 provides information on the community facilities that would be impacted by the Castle Commerce Center and the guideway.

772-7

Section 3.12.5 also provides information on the residential and businesses that would be impacted. Regarding the comment's concern about stormwater drainage, Section 3.8.6 also includes a Project Design Feature requiring maintaining pre-project hydrology.

772-8

Section 2.4.1.3, Aviation Element, in the FEIR/EIS has been revised to include Castle Airport in the list of general aviation airports that serve small aircraft: "Additionally, several general aviation airports that only serve private small aircraft lie in the corridor; among them are Castle Airport, Chowchilla Municipal, and Madera Municipal." Section 2.4.6.1, Castle Commerce Center Site, in the FEIR/EIS has been revised to note that Castle Airport is adjacent to the site: "The tracks would continue north to cross to the east side of the BNSF and Santa Fe Avenue through the Castle Commerce Center HMF site, south of Castle Airport, entering the City of Atwater at West Bellevue Road." Section 3.2 Transportation in the EIR/EIS discusses commercial airports only; Castle Airport is not discussed in Section 3.2 because it is not a commercial airport.

772-9

See MF-Response-GENERAL-1 and MF-Response-GENERAL-15.

772-10

See MF-Response-GENERAL-15. A consistent methodology will be used to evaluate the HMF sites in the San Jose-Merced EIR/EIS, and the analysis will account for the changes in land use and conversion of farmland. This analysis may be more detailed than either the Merced to Fresno EIR/EIS or the Fresno to Bakersfield EIR/EIS.

772-11

#1-The final design reports/plans will be signed as deemed appropriate by the Authority.

#2 – Table 3.2-1 in Section 3.2, Transportation, was updated to include Merced County GP.

#3 – The roadway capacity used in the segment analysis was based on the local agency guidelines and capacity values (presented Tables 3.2-3 and 3.2-4 of the Transportation Technical Report).

Response to Submission 772 (Mark (1), Paul (2) Hendrickson (1), Fillebrown (2), Merced County, October 13, 2011) - Continued

772-11

#4 – See MF-Response-TRAFFIC-3.

#5 – Analysis of traffic impacts with the HST extension to the north to Sacramento will be performed as a part of the Merced-Sacramento HST EIR/EIS. CHSRA will continue working with the City of Merced to identify solutions to future traffic impacts when the Phase 2 project (Merced to Sacramento) is implemented.

#6 – See MF-Response-TRAFFIC-2.

#7 – The tracks and crossover at this location are designed to allow flexibility in train operations.

#8 – The Authority will collaborate with Merced County on modifications to the Freeway Agreement as appropriate. Impacts from any modifications the project may require to frontage roads were fully analyzed, and mitigated for where significant.

#9 - See MF-Response-TRAFFIC-1.

#10 – Details on temporary storage of equipment areas will be developed in the construction transportation plan.
See MF-Response-TRAFFIC-1.

772-12

Section 2.4.1.3, Aviation Element, in the FEIR/EIS has been revised to include Castle Airport in the list of general aviation airports that serve small aircraft: “Additionally, several general aviation airports that only serve private small aircraft lie in the corridor; among them are Castle Airport, Chowchilla Municipal, and Madera Municipal.” Section 2.4.6.1, Castle Commerce Center Site, in the FEIR/EIS has been revised to note that Castle Airport is adjacent to the site: “The tracks would continue north to cross to the east side of the BNSF and Santa Fe Avenue through the Castle Commerce Center HMF site, south of Castle Airport, entering the City of Atwater at West Bellevue Road.” Section 3.2 Transportation in the EIR/EIS discusses commercial airports only; Castle Airport is not discussed in Section 3.2 because it is not a commercial airport. See MF-

772-12

Response-GENERAL-1 and MF-Response-GENERAL-15.

772-13

The Castle airport does not have any commercial passenger service, hence no mode shift of air travel from Castle airport to HST is expected.

772-14

See MF-Response-GENERAL-20 and MF-Response-GENERAL-15.

772-15

See MF-Response-GENERAL-20.

772-16

See MF-Response-GENERAL-20.

772-17

See MF-Response-GENERAL-20.

772-18

See MF-Response-VISUAL-1. The text in Section 3.16.5.3 of the Final EIR/EIS that discusses the Le Grand Landscape Unit has been revised to include mention of the overcrossings and block views.

772-19

See MF-Response-CULTURAL-1 and MF-Response-CULTURAL-2. The ATSF Le Grand Railroad Station was determined not eligible for listing in the National Register, but will be directly impacted by the HST project, therefore, it was documented on a full DPR form in the HPSR. Because it is not eligible, it is not included in the EIS.

772-20

See MF-Response-GENERAL-20.

Response to Submission 772 (Mark (1), Paul (2) Hendrickson (1), Fillebrown (2), Merced
County, October 13, 2011) - Continued

772-21

See MF-Response-TRAFFIC-2.

Submission 735 (Jesse Brown, Merced County Association of Governments, October 13, 2011)



PH: 209.723.3153
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369 W. 18th Street
Merced, Ca. 95340

October 13, 2011

CALIFORNIA HIGH-SPEED RAIL AUTHORITY
770 L Street, Suite 800
Sacramento, CA 95814

RE: Comments on the Draft Environmental Impact Report/Statement for the California High-Speed Rail (HSR) Project-Merced to Bakersfield Project

Merced County Association of Governments (MCAG) submits the following comments on the Draft Environmental Impact Report/Statement for the Merced to Bakersfield segment of the HSR project.

735-1

I would like to make you aware of the Atwater-Merced Expressway (AME) project in the vicinity of the potential High-Speed Rail maintenance facility at Castle Airport. The AME project consists of a 7-mile expressway facility beginning at State Route (SR) 140 at Gurr Road and ending at SR 59 at Bellevue Road and realignment of SR 99 to accommodate a new interchange just south of the existing Buhach Road interchange. It also includes an interchange with Santa Fe Drive just west of the Avenue 2 Intersection. The MCAG Board certified the Environmental Impact Report (EIR) for the project in March 2009, and Caltrans approved the Project Report in December 2009. The project has been segmented into phases. The first phase, which focuses on the improvements related to the closure of Buhach Road interchange, construction of the AME/SR 99 interchange, and construction of the immediate connections to local roads, is currently in the final design phase. Design work is expected to be completed in mid 2012. Subsequent phases will be implemented as funding becomes available.

Part of the stated purpose of the AME project is to improve access to the Castle Airport Development Center and the United States Penitentiary-Atwater. The environmental document for the HSR project does not present in detail how the HSR tracks affect the traffic circulation as the tracks approach the maintenance facility. It appears that the tracks will be at-grade on the east side of Santa Fe Drive between Franklin Road and Buhach Road. The location of the tracks appears to be adjacent to Santa Fe Drive, essentially 'sandwiching' the arterial between the HSR tracks and the BNSF tracks. This alignment of the HSR will preclude the construction of the AME/Santa Fe Drive interchange, which is intended as the main access route to connect Castle Airport to SR 99. We strongly recommend that the at-grade alignment of the HSR between Franklin Road and Buhach Road be shifted easterly away from Santa Fe Drive to allow for the construction of the interchange. This will be beneficial to the HSR project as well, since the AME/Santa Fe Drive interchange will be the primary access route for employees and suppliers of the maintenance facility.

735-1

Any change to the AME project must comply with the requirements of the Federal Aviation Administration (FAA). The AME project has received concurrence from FAA that as currently proposed the project does not interfere with the current and future operations of the Instrument Landing System (ILS) at Castle Airport. If the HSR project affects the horizontal alignment of AME to be closer to the airport or its vertical alignment in the influence of the airport to be higher than is currently proposed, a new review by the FAA may be required to make sure that the improvements will not encroach into the approach surfaces for the ILS.

In addition, it appears that the footprint of the maintenance facility will overlap with the footprint of the proposed interchange. Please note that the location of the interchange was carefully selected after extensive environmental reviews that included social impacts of potential alternatives. Moving the location of the interchange will require additional environmental studies and will likely be accompanied by expensive mitigation requirements.

For these reasons, it is prudent for the HSR Authority to refine the proposed alignment of the tracks and the location of the maintenance facility so that the two projects can complement each other.

Sincerely,
Merced County Association of Governments

Jesse Brown
For Jesse Brown
Executive Director

Cc: Admas Zewdie, Mark Thomas & Company, Inc.
Merced County Public works
Merced County Planning
City Manager Kathy Kivley, City of Atwater
City Manager Darrell Fonseca, City of Dos Palos
City Manager Greg Greeson, City of Gustine
City Manager Jose Ramirez, City of Livingston
City Manager Steve Rath, City of Los Banos
City Manager John Bramble, City of Merced



Response to Submission 735 (Jesse Brown, Merced County Association of Governments, October 13, 2011)

735-1

See MF-Response-GENERAL-15.

These issues will have to be addressed during design of the HMF if the Castle Commerce Center site is chosen. The configuration of the HMF may change significantly after the rolling stock supplier is selected.

Submission 244 (John Pedrozo, Merced County Board of Supervisors, September 14, 2011)



September 14, 2011

California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

Dear Sirs:

244-1

As the rail representative for the Merced County Board of Supervisors, I have the honor of representing the County on issues involving passenger and freight rail. Our Board supports a high speed rail system for our Central Valley if it is well planned and constructed in a manner that ensures comments provided by residents are taken seriously and that the impacts on the community are carefully weighted and considered.

Merced County's position supports the A2 alternate for the portion within its county boundaries as it has less of an impact to the community, farmland and the environment than the other proposed route. The County's formal comment letter will soon follow, however, I wanted to take this opportunity to provide you with comments received from some of our county's residents which are enclosed.

Please feel free to contact me should you have any questions.

Sincerely,

John Pedrozo
Chairman and Rail Representative
Merced County Board of Supervisors

Board of Supervisors

John Pedrozo
Supervisor, District One

Hubert "Hub" Walsh, Jr.
Supervisor, District Two

Linn Davis
Supervisor, District Three

Deldre F. Kelsey
Supervisor, District Four

Jerry O'Banion
Supervisor, District Five

Larry T. Combs
County Executive Officer

Merced County
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2222 "M" Street
Merced, CA 95340
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Response to Submission 244 (John Pedrozo, Merced County Board of Supervisors, September 14, 2011)

244-1

See MF-Response-GENERAL-10.

Submission 729 (Dave Robinson, Merced County Department of Agriculture, October 13, 2011)



DEPARTMENT OF AGRICULTURE

October 12, 2011

California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

Dear Sir,

Thank you for the opportunity to review and comment on the Draft EIR/EIS for the Merced to Fresno High Speed Rail Section. After a preliminary review, I would like to comment on Chapter 3.14.5, Agricultural Lands – Aerial Spraying.

Aerial Spraying

The height of vertical HST structures, such as poles and elevated guideways, could interfere with aerial spraying of agricultural lands adjacent to the alignment. Currently, no restrictions on the distances an aircraft must maintain from utility lines or towers exist (Gage 2010b). Agricultural aircraft currently spray fields where there are utility lines of varying heights (e.g., telephone poles and electrical transmission towers). The distance that aircraft maintain from power lines and poles depends on the cropping pattern, orientation of the field, and operator-determined safety factors. Because vertical HST structures are similar to existing utility structures in and near agricultural fields, changes in spraying patterns are unlikely to cause conversions of agricultural land, and no impact under NEPA or CEQA would occur.

It should be noted that there are instances where an agricultural field can only have an aerial spraying application from one direction due to existing structures and/or sensitive sites adjacent to the field and prevailing winds. The existences of utility lines or towers, as noted in the EIR are examples of existing structures. In addition, buildings, schools, waterways, and residential areas are also must be factored in and may require specific use conditions or limitations on the part of the aerial applicator

Additional vertical HST structures could have an impact as to whether a field can continue to be aerially sprayed by fixed wing aircraft. Higher costs may be incurred by limiting application methods to only helicopter aircraft for aerial applications and by ground application equipment. Limiting the methods of application can also compromise the timeliness of applications. The loss of chemical application methods available to growers can have an economic impact on growers through additional costs to growers and lower production.

Again, thank you for the opportunity to review and comment the Draft EIR/EIS. If you have any questions, please contact my office at (209) 385-7431.

Sincerely,

David A. Robinson
Agricultural Commissioner

David A. Robinson
Agricultural Commissioner
Director of Weights and Measures
Director of Animal Control

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Merced, CA 95340-6495
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729-1

STRIVING FOR EXCELLENCE

Response to Submission 729 (Dave Robinson, Merced County Department of Agriculture, October 13, 2011)

729-1

See MF-Response-AGRICULTURE-5.

Submission 662 (Ron Price, Merced Irrigation District, October 13, 2011)



October 13, 2011

“Merced to Fresno Draft EIR/EIS”
770 L Street, Suite 800
Sacramento, CA 95814

Subject: Merced Irrigation District Comments to Draft EIR/EIS for the California High Speed Train Project

Dear Sirs:

The Merced Irrigation District (MID) has reviewed the draft EIR/EIS for the California High-Speed Train (HST) Project and appreciates the opportunity to offer the following broad and overarching comments in line with the broad scope of the HST alignment at this time. MID still intends to engage more specifically with HST consultants as the project scope becomes more specific. MID’s general comments are as follows:

MID uses a wide variety of facilities to provide water and electrical services to its customers. Examples of MID facilities include irrigation and storm water conveyance systems such as canals, pipelines, pumps, wells, and other related assets; electrical transmission lines, substations, transformers, and other related assets used to provide electrical service.

Because portions of the HST project are anticipated to travel through the MID service area, MID anticipates that significant impacts will result to any number of its water and electrical facilities. Of course, the final HST route has not yet been determined, so it is highly impractical, if not impossible to identify every possible impact, or the magnitude of those impacts, that could occur to each and every MID facility as the project is currently being proposed.

The purpose of this letter is to provide a summary of the types of impacts that the MID can reasonably foresee given the vague and undecided nature of the project at this point. MID reserves the right to provide additional, more specific comments regarding the types and number of impacts, and the magnitude of those impacts when a final route for the HST is decided upon. Only then can all specific impacts be identified and more thoroughly examined.

662-1

Also, the facilities identified herein are limited to district owned facilities. For example, depending on the final route, a number of MID owned wells will need to be relocated. There may be other privately owned wells that may need to be relocated as well. MID has not identified those additional privately owned facilities that may be impacted, however, some effort was dedicated to identify and approximate the amount of farmland within the MID that will be lost with each given route.

MID IRRIGATION and DRAINAGE IMPACTS

Currently, the following MID irrigation and drainage facilities will be impacted by one or more of the proposed HST alignments.

THE HYBRID UPRR HIGHWAY 99 CORRIDOR

- Deadman Creek
- Russell Lateral
- Lingard Lateral
- Lingard Lateral “B”
- Well 67
- Hadley Lateral
- Givens Lateral
- Duck Slough
- El Nido Dam
- El Nido Canal
- Koff Lateral
- Koff Lateral “AA”
- Well 214
- Owens Creek
- Miles Creek
- Well 142
- Farmdale Lateral
- Farmdale Lateral “A”
- Hartley Lateral “D”
- Hartley Lateral

This alternate consists of approximately 5.1 miles of varying width right-of-way (R/W) within the jurisdictional boundaries of MID. In the Draft EIR-EIS Volume III Alignments shows varying widths of R/W, once a route is selected the lost area can be precisely defined. If a 100 foot wide R/W is assumed, approximately 62 acres of farmland will be lost between the southerly boundary of MID to Childs Avenue. Between Childs and the proposed Merced HST station there are no significant impacts to MID water conveyance facilities. Additionally this route will necessitate the relocation of 3 district wells.

Submission 662 (Ron Price, Merced Irrigation District, October 13, 2011) - Continued

662-1

BNSF ALTERNATES

The alternates entitled: 1.) Mission Avenue through Le Grand. 2.) Mission Avenue East of Le Grand. 3.) Mariposa Way through Le Grand. 4.) Mariposa Way East of Le Grand. All of these alternates will impact the following MID facilities, and upon the selection of a route the specific facilities and impacts upon those facilities can be more particularly identified.

- Booster No. 3 Lateral, North of Le Grand Road
- Mitchell Lateral twice
- Mariposa Creek twice
- Booster No. 3 Lateral, West of Cunningham Road
- Le Grand Canal
- Burchell Lateral
- Diversion Channel, Owens Creek is diverted southerly to Mariposa Creek
- Parker Lateral "B"
- Planada Canal
- Dibblee Lateral "B"
- Owens Creek
- Miles Creek
- Doane Lateral
- Farndale Lateral, west of Coffee Street

Alternate 1 above covers approximately 13 miles of varying width right-of-way within the jurisdictional boundary of MID. In the Draft EIR-EIS Volume III Alignments shows varying widths of R/W, once a route is selected the lost area can be precisely defined. If a 100 foot wide R/W is assumed, approximately 158 acres of farmland will be lost in and around the town of Le Grand to the transition with the UPRR corridor south of the City of Merced.

Alternate 2 above covers approximately 14.8 miles of varying width R/W within the jurisdictional boundary of MID. In the Draft EIR-EIS Volume III Alignments shows varying widths of R/W, once a route is selected the lost area can be precisely defined. If this alternate is selected and a 100 foot wide R/W is assumed, approximately 179.4 acres of farmland will be lost near and around the town of Le Grand to the transition with the UPRR corridor south of the City of Merced.

Alternate 3 above covers approximately 11 miles of varying width right-of-way within the jurisdictional boundary of MID. In the Draft EIR-EIS Volume III Alignment shows varying widths of R/W, once a route is selected the lost area can be precisely defined. If this alternate is selected and a 100 foot wide R/W is assumed, approximately 134 acres of farmland will be lost near the town of Le Grand, to the transition with the UPRR corridor south of the City of Merced.

Alternate 4 above covers approximately 13.8 miles of varying width right-of-way within the jurisdictional boundary of MID. In the Draft EIR-EIS Volume III Alignment shows varying widths of R/W, once a route is selected the lost area can be precisely defined. If this alternate is selected and a 100 foot wide R/W is assumed, approximately 167.8 acres of farmland will be lost near the town of Le Grand, to the transition with the UPRR corridor south of the City of Merced.

3

662-1

The BNRR alternate will impact a minimum of 89 parcels of land currently being farmed. This is a combined total of all the alternatives, once a route is chosen this number will change. The various alternates traverse existing farming operations and the impacts upon MID's ability to deliver water to its customers in the area and their remaining land will need to be mitigated.

HEAVY MAINTENANCE FACILITY (HMF) from the Merced Station to Castle Commerce Center Site.

- Bear Creek
- Black Rascal Creek / Tributary
- Pohlie Lateral
- East Ashe Lateral
- Ashe Lateral extension at the south line of Rancho School
- Henderson Lateral, twice
- Main Ashe Lateral
- Canal Creek
- Casad Lateral

This alternate consists of approximately 7.75 miles and of this length approximately 4.64 miles are through parcels that can receive MID surface irrigation waters. In the Draft EIR-EIS Volume III Alignment, indicates varying widths of R/W, once a route is selected the lost area can be precisely defined. If this alternate is selected and a 100 foot wide R/W is assumed, approximately 56.2 acres of farmland will be lost.

In addition, with all alignments the MID will lose revenue due to loss of agricultural land that pays Standby Fees per acre, and Surface Water fees. The impact will unjustifiably be borne by water users on the remaining acreage. Compensation for this revenue could be estimated using existing lost fees as follows

1. Stand by Fees at \$24/ acre annually
2. Surface Water Fees at \$18.25/ acre foot (normal use is based on 3 acre feet per acre)

4

Submission 662 (Ron Price, Merced Irrigation District, October 13, 2011) - Continued

662-2

MID ELECTRICAL IMPACTS

The MID electric system is located in a competitive utility zone (e.g., MID competes with PG&E to provide utility services). Currently, MID electrical facilities do not reach all areas of Merced. Therefore, customers that are forced to relocate may not be in range of the MID electric system and will be considered 'lost' customers. The potential impacts to MID electrical revenues, depending upon alignment, exceed \$8 million annually.

It should also be noted that potential impacts on the Castle Aviation Center are near the MID Castle Substation, a key facility in the MID electric system. Should any proposed HST facilities impact this MID facility, estimated costs to relocate the station will exceed \$5 Million.

Aside from these impacts, MID anticipates that impacts to MID electrical transmission and distribution facilities will include various overhead and underground conductors, vaults, pads, equipment and poles. The potential impacts to MID electrical transmission and distribution facilities (depending upon final alignment) include the following:

MERCED STATION TO THE HMF

- 12 KV Overhead distribution 8,100 L.F.
- 12 KV Overhead distribution _Double Circuit 4,050 L.F.
- 12 KV Underground distribution 9,100 L.F.
- 12 KV Underground distribution Mainline 700 L.F.
- 21 KV Overhead distribution 1,200 L.F.
- 21 KV Underground distribution 11,700 L.F.
- 21 KV Underground distribution Mainline 10,300 L.F.
- 115 KV Overhead transmission / 12KV distribution 9,200 L.F.

In this reach of the HST, MID anticipates that it will lose thirty four (34) commercial accounts. These accounts are shown to be removed and their ability to relocate is unknown. In addition to the thirty four (34) lost commercial accounts, there are six (6) commercial accounts that may be able to be served by a reroute of MID facilities, and there are seven (7) residential accounts that will be lost.

UPRR CORRIDOR

- 21 KV Underground distribution 900 L.F.
- 21 KV Underground distribution Mainline 1,000 L.F.

Along this reach of the HST MID does not anticipate that any of its customers will be impacted. However, MID is in the planning stage of installing approximately 2,000 L.F. of double overhead 115 KV with double 21 KV transmission/distribution line in order to expand and provide more reliable and efficient service to current and future customers.

5

662-2

MISSION AVENUE CORRIDOR

- 21 KV Underground distribution 700 L.F.

MARIPOSA WAY CORRIDOR

Along this reach of the HST MID anticipates that no customers will be impacted, but MID is in the planning stage of installing approximately 1,100 L.F. of double overhead 115 KV with double 21 KV transmission/distribution line to allow MID to serve the industrial area east of Merced. This project is currently being reviewed for environmental impacts, with an estimated completion cost of \$18 Million (including substation).

If storm drainage is discharged by the HST to any MID facilities, a Storm Drainage Agreement with the Merced Irrigation District Drainage Improvement District No. 1 will have to be executed and the appropriate connection fees paid. This Agreement will also authorize MID to bill the California High Speed Rail Authority an annual maintenance fee. Furthermore any HST discharge facilities will need to be designed and installed to MID standards.

HST construction that impacts MID rights-of-way for canals, irrigation laterals and creeks will require a "Construction Agreement" and a "Joint Use Agreement" with the MID. Said agreements shall perpetuate MID's senior rights. Electrical transmission lines, canals, laterals, creeks, well sites and other MID facilities that may have to be modified or relocated will be done so at the expense of the California High Speed Rail Authority. MID requests a signature block on all "Improvement Plans" relating to MID facilities, including drainage facilities that plan to discharge to MID facilities.

Where California High Speed Rail Authority facilities cross MID facilities MID policy requires all of its conveyance facilities to be placed in a pipeline assembly across the entire HST R/W and access to the MID facilities will need to be included in the design and provide allowance for the maintenance of the facility within the HST R/W. The design shall provide for possible increased conveyance capacity as downstream demands exceed the capacity of the facility, the design will allow for conformance to all applicable safety requirements (confined space and ventilation requirements), and the California High Speed Rail Authority shall secure all easements if necessary. Construction activity involving MID irrigation facilities shall be confined to the time period between November 1 and March 1 in order to avoid impacts to water deliveries during the irrigation season, unless MID permission is first obtained.

Depending on the alignment, special attention should be given to keep incidental seepage from impacting the HST railroad bed especially when the proposed alignment parallels an MID facility or is undergrounded. The railroad in almost all scenarios will be crossing natural floodways, where appropriate structures meeting the latest State Flood Management Program should be followed.

Again, the Merced Irrigation District appreciates the opportunity to offer these general comments to the HST Project. However, the Project as it is currently being described in the draft EIR/EIS is extremely vague. Because the California High Speed Rail Authority is proposing so many

6

Submission 662 (Ron Price, Merced Irrigation District, October 13, 2011) - Continued

different alternate routes, it is infeasible, if not practically impossible to identify each and every impact to MID facilities, or the magnitude of those impacts. This letter is meant only to summarize types, and give approximations of anticipated impacts. MID fully expects and reserves the right to provide additional comments that more fully explain impacts and mitigation requirements once a final HST route is decided.

If you have any questions or would like to discuss any of these matters further, please contact me at 722-5761.

Sincerely,



Ronald L. Price
Associate Engineer, Water Resources

cc: John Sweigard, General Manager
Hicham Eltal, Deputy General Manager
Phillip McMurray, General Counsel
John Wiersma, Water Resources Engineering
Jason Grace, Electric Services

Response to Submission 662 (Ron Price, Merced Irrigation District, October 13, 2011)

662-1

See MF-Response-WATER-1.

662-2

See MF-Response-PUE-5.

MID's assertion that there is the potential for the HST alignment to reduce revenues through loss of customers due to land acquisition or other means is noted. Any long-term revenue impacts are expected to be addressed in the Memoranda of Agreement process.

As discussed in Section 3.6 Public Utilities and Energy, the project design would specifically address stormwater volumes and flow requirements. During final design, review and inventory of irrigation systems' seasonal flow for canals, creeks, and pipelines, as well as an evaluation of each receiving stormwater system's capacity to accommodate project runoff would be conducted. As necessary, relocation, protection, and flow-improving measures for irrigation conveyance facilities, and onsite stormwater management measures, such as detention or selected upgrades to the receiving system, will be included in the design to provide adequate capacity. This evaluation will be conducted in cooperation with the local utility districts.

Further, where existing underground utilities, such as water pipelines, cross the HST alignment, the utilities would also be placed in a protective casing. The project construction contractor would coordinate schedules for utility relocations and protection-in-place with the utility owner avoid prolonged disruption of services. A Construction Agreement and Joint Use Agreement would be executed where construction would impact MID rights of way.

Finally, as presented in Section 3.8 Hydrology and Water Resources, floodplains and areas of shallow groundwater have been identified and will be given special attention during the design process. As appropriate, structures will meet the latest state flood management board requirements.

Submission 468 (Michael Belluomini, Merced Union High School District, October 3, 2011)



10-03-11P02:58 RCVD

Superintendent
V. Scott Scambray
Assistant Superintendents
Leonard C. Kahn
George S. Sziraki, Jr., Ed.D.
Sandra Schiber, Ed.D.
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Mike Carpenter
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Sam Spangler

September 30, 2011

Jeff Abercrombie
Area Program Manager Central Valley
California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

Re: Merced-Fresno High Speed Rail EIR Comments

Dear Mr. Abercrombie,

The Merced Union High School District has received your letter dated August 10, 2011 with the "Summary" document for the Merced to Fresno section of the California High Speed Train EIR/EIS. The District understands the cause of this EIR referral to the District is that six District schools are located within a quarter mile of the proposed high speed rail line. CEQA requires an EIR to be referred to the School District when hazardous materials might be released by a proposed project near a school.

To clarify the circumstances, Golden Valley High School (GVHS) is a grades 9-12 high school of 2,300 students on 45 acres on Childs Avenue located approximately 1,600 ft east from the high speed train alignment. The location of Childs Avenue and the rail line is shown on the aerial photo with plan and profile drawing at STA 5940+00 to STA 5995+00.

The other five schools listed in your letter are alternative education schools and programs all located on the same campus on 17 acres at the northeast corner of 'G' Street and 18th Street in Merced called East Campus Educational Center (ECEC). It accommodates a fluctuating number of students due to the educational program characteristics with an average of 700 students daily. ECEC is located approximately 750 ft northeast from the proposed Merced High Speed Rail Train Station. The location of the rail line nearest ECEC is shown on the aerial photo with plan and profile drawing at STA 6050-00 to STA 6066+17.71.

468-1 | In addition to the schools identified in your letter the District has purchased a future high school site at the southwest corner of Gerard Avenue at Tyler Road. This site is approximately 4,300 ft west of the high speed rail line on Gerard Avenue. The intersection of Gerard Avenue and the high speed rail line is shown on the aerial photo with plan and profile drawing at STA 5940+00 to STA 5995+00. This school site abuts a City of Merced planned regional park to the south, which is owned by the City.

Although the DVD that was sent with the EIR summary would not open, I was able to find some information on the planned high speed rail. I understand the train will travel at 160 to 180 miles per hour. When it encounters existing structures it is generally elevated. In the case of ECEC and GVHS the train track will be 24 feet in the air at the point it is nearest those schools. There are projected to be

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approximately four trains per hour totaling 70 trains per day. The trains will be steel wheels on steel tracks.

The High School District is concerned that its educational function will be disrupted or students will be endangered by the following aspects of the proposed high speed rail. Please consider and respond to these concerns.

468-2

1. ECEC is only 750 ft from the train line that is elevated 24 ft and so will project its operational noise a great distance. Noise disrupts classroom instruction. How much noise will there be and how will it be mitigated? Will the ground vibrate?

468-3

2. A collision at 180 miles per hour beginning on a track elevated 24 ft above grade will result in projectile debris that could plausibly travel 800 ft and impact the campus of ECEC. What precautions are being taken to contain debris from a train collision so that it will not reach ECEC?

468-4

3. This EIR seems to partially address the train repair and maintenance facility proposed on Castle Airport and Commerce Center. The School District has its warehouse/purchasing operation and its Adult School Atwater campus on Castle Airport and Commerce Center at 2130 Spacecraft Drive, Building 535. The School District administrative center is also on Castle Airport and Commerce Center at 3430 'A' Street Buildings 34 and 35. How will the spur track line and train maintenance facility impact District facilities on Castle Airport and Commerce Center?

468-5

4. The School District voters approved a Proposition 39 type local general obligation bond in November 2008 authorizing sale of \$149,450,000 in bonds for school facilities. The economic recession has decreased assessed property values and increase municipal/school district bond interest rates resulting in the District lacking the taxing capacity to support issuance of all but \$50,500,000 in local bonds so far. Construction of future school facility projects relies on assessed property values increasing. To what extent will the right of way acquisition, existing structures demolition, and division of parcels result in a reduction in assessed property value in the School District?

Thank you for this opportunity to comment on the EIR. If you need more information, please contact me at (209) 385-6558.

Sincere regards,

Michael Belluomini
Director of Facilities Planning

cc: V. Scott Scambray (MUHSD)
Leonard Kahn (MUHSD)
Michael O'Neil (Department of Education)
Craig Chavez (MUHSD/ECEC)
Costa Aguilar (MUHSD/GVHS)

We educate and empower all students to become 21st century learners, workers and citizens.

Response to Submission 468 (Michael Belluomini, Merced Union High School District, October 3, 2011)

468-1

The future high school site has been added to the cumulative impacts analysis.

468-2

See MF-Response-NOISE-2.

468-3

The HST tracks would be at-grade in Merced, including the area near ECEC campus. Project design features would minimize safety risks resulting from train operations or accidents throughout the entirety of the HST system, including near the ECEC campus. Please refer to Section 2.2 of Appendix 3.12-D for a detailed discussion of safety of the HST system in relation to schools in the project area, including ECEC.

468-4

See MF-Response-SOCIAL-1. Appendix 3.1-A, Project Footprint, shows the impacts to the Castle Commerce Center. The Administrative Center building would not be impacted by the CCC HMF, but the warehouse and adult school is located on the edge of the HMF site and would be bisected. However, if design progresses on this HMF alternative, the design team will investigate design modifications to avoid the building. This is also discussed in Section 3.12.5.3 of the EIR/EIS.

468-5

See MF-Response-SOCIAL-1, MF-Response-SOCIAL-2, and MF-Response-LAND USE-2.

Submission 822 (Kristi Kingston, Plainsburg Union Elementary School District, October 13, 2011)

Comment Period Extended to
October 13, 2011

RECEIVED

El periodo a hacer comentarios
está prolongado hasta del
13 de octubre de 2011

10-13-11A09:45 RCVD



Comment Card
Tarjeta de Comentarios



Kristi Kingston
Superintendent

Plainsburg Union Elementary School District

3708 South Plainsburg Road • Merced, CA 95341
Phone: (209) 389-4707 • Fax: (209) 389-4817

Board of Trustees
• Ross Urrutia
• James Bright, Jr.
• Keith Heupel
• Kristine Barroso
• Matthew Kahl

Merced to Fresno High-Speed Train Section **Tren de Alta Velocidad Sección Merced a Fresno**
Draft Environmental Impact Report/ **Anteproyecto del Informe de Impacto**
Environmental Impact Statement (EIR/EIS) – **Medioambiental/Declaración de Impacto**
Public Hearings **Medioambiental (EIR/EIS) - Audiencias Públicas**
September 2011 Septiembre 2011

Please submit your completed comment card at the end of the meeting, or mail to: Por favor entregue su tarjeta al final de la reunión, o envíela a una de las siguientes direcciones:

Merced to Fresno HST Environmental Review, 770 L Street, Suite 800, Sacramento, CA 95814

The comment period on the Draft EIR/EIS begins August 15, 2011 and ends September 28, 2011. Comments received after 5:00 p.m. on September 28, 2011 will not be addressed in the Final EIR/EIS.	El periodo a hacer comentarios empieza a 15 de agosto y termina a 28 de septiembre. Comentarios recibidos después de 5:00 p.m. a 28 de septiembre no se responderá en el EIR/EIS final.
---	---

Name/ Nombre: <u>Kristi Kingston</u>	Organization/ Organización: <u>Plainsburg Union Elementary School District</u>
(Optional/Opcional) Address/Domicilio: <u>3708 S. Plainsburg Rd</u>	Phone Number/ Número de teléfono: <u>209-389-4707</u>
City, State, Zip code/ Ciudad, estado, código postal: <u>Merced, CA 95341</u>	Email address/ Correo electrónico: <u>KKingston@plainsburg.k12.ca.us</u>

822-1

822-2

As Superintendent and Board Trustees of Plainsburg Union Elementary School District, there are several issues of concern that we have with the High Speed Rail going through our district.

- The amount of time given to review the Environmental Impact Report affecting our area was insufficient. More time is needed to appropriately review all areas of concern affecting our school district.
- There are also major concerns and questions regarding the Bonding ability of the land owners in this school district after the High Speed Rail has a chosen route.
- What plan does the HSR Authority have in place to reimburse the school for the loss of students displaced from our district. Our school is a high performing school in a State where most schools are under performing, therefore Plainsburg is desirable to out of district families. With your proposed routes we feel this will seriously diminish the students transportation ability to and from school. With the potential loss of these students the financial loss to Plainsburg Elementary will be catastrophic and therefore closing the school that has been in existence since 1872!

See attached page.

J. Barroso
Kristine Barroso
Matthew Kahl
Kristi Kingston
K. J. H.
Ross Urrutia

Response to Submission 822 (Kristi Kingston, Plainsburg Union Elementary School District,
October 13, 2011)

822-1

See MF-Response-GENERAL-7.

822-2

See MF-Response-SOCIAL-5 and MF-Response-S&S-1. Based upon additional analysis no negative effects to school districts are anticipated. For most there is replacement housing within the district to address any property acquisitions and access is still maintained and in some areas improved (i.e., new crossings over SR 99 or existing railroad corridors). The text in Section 3.12.5 of the Final EIR/EIS has been updated to include additional discussion of impacts to school districts, and a memo providing additional information on this issue is provided as Appendix 3.12-B, Effects on School District Funding.

Submission 284 (Kristi Kingston, Plainsburg Union Elementary School District, September 8, 2011)



Kristi Kingston
Superintendent

Plainsburg Union Elementary School District

3708 South Plainsburg Road • Merced, CA 95341
Phone: (209) 389-4707 • Fax: (209) 389-4817

- Board of Trustees
- Ross Urrutia
 - James Bright, Jr.
 - Keith Heupel
 - Kristine Barroso
 - Matthew Kahl

09-08-11P12:52 RCVD

SEP 08 2011

August 26, 2011

Mr. Roelof van Ark, CEO
California High Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Dear Mr. van Ark,

The planning by the High Speed Rail Authority to construct new high speed rail corridors through the jurisdiction of the Plainsburg Union Elementary School District has caused our Board of Trustees (Trustees) to become vitally concerned.

As described best by your authority, the proposed high speed rail system through California is "the largest public infrastructure project in the nation." While we have great respect for the magnitude of the project you are charged with carrying out, we must insist that you do so while taking into account the very real local impacts that will occur to our vital public education system if you proceed with the route alternatives now being advanced.

284-1

Because of this, we request a meeting directly with you as soon as possible. As a starting point, we have September 8, 2011 and October 13, 2011 available to meet with you. It is critical that you be apprised of the impact our district will face as a result of the proposed alternatives you are advancing so that you have the opportunity to study ways to resolve these conflicts prior to the release of the draft federal Environmental Impact Report (EIR)/Environmental Statement (EIS).

We are well aware of your refusal to coordinate the project as required under the National Environmental Policy Act with Kings County. We are also aware that your representative was instructed to refuse to answer the Supervisor's questions at the last meeting requested by them. This is why we request a meeting directly with you to learn firsthand whether or not you will direct the authority's staff to consider the very real impacts the Plainsburg Union Elementary School District will face prior to releasing your draft federal Environmental Impact Study (DEIS).

On July 26, 2011, the Trustees adopted the attached resolution to make clear the board is prepared to insist this project be coordinated with our district to the maximum extent allowed by law. It is the responsibility of the Trustees to ensure that policies and plans implemented

284-1

by the High Speed Rail Authority (HSRA) do not detrimentally affect our ability to provide an excellent educational system for our students and our community as a whole.

While it is well past the time to begin the process of coordinating your federal study with our District, we welcome the opportunity to begin this process today. It is critical that your agency become aware of how your plans as proposed will not only disrupt our ability to perform our duties as Trustees, but disrupt our school bus routes, divide our district, impact the safety of our students, and create impaired property values directly affecting our ability to budget and fund, plan, and operate our District.

284-2

The District's jurisdiction includes mainly agricultural lands. The proposed routes now being considered by the HSRA will destroy existing agricultural enterprises affecting the citizens of our community, the tax base of our county and District and, hence, the annual budget of our District. This will place our District at a severe disadvantage to properly carry out our charge.

All of these issues must be analyzed in the draft EIS so that the public and decision makers have the opportunity to weigh the detrimental impacts to the Plainsburg Union Elementary School District, as well as, the environmental impacts. However, none of our concerns have been taken into account in the publicly released versions of the draft study documents.

Administrative agencies, such as the HSRA, are required by both State and Federal statutes and regulations to coordinate with local governments in developing and implementing plans, policies and management actions. This is for the very purpose of insuring that when you pursue a project as large as the HSR, you do so without overlooking the critical impacts to vital public service entities such as our District. You cannot possibly know what these impacts will be to the Plainsburg Union Elementary School District without discussing the project directly with our Board of Trustees.

It is our desire to work with the HSRA in a unified and productive manner through the EIS process to resolve the conflicts your agency is required by law to consider. This type of discussion can only come with formal government-to-government meetings through the coordination process as required by the National Environmental Policy Act, to which your agency is obligated to follow.

Congress recognized the essential contribution of local governments to the NEPA process at 42 USC 4331(a):

"...it is the continuing policy of the Federal Government, in cooperation with State and Local governments, ...to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans."

Section (b) of this mandate further requires that the government do this "to improve and coordinate federal plans, functions, programs, and resources...." Coordination must be conducted with local government in order for the Congressional mandate to be properly implemented.

The State of California understands the coordination duty of agencies implementing the federal law of NEPA, as it has enforced this duty in the United States District Court for the Northern District of California. In California Resources Agency v. US Department of

Submission 284 (Kristi Kingston, Plainsburg Union Elementary School District, September 8, 2011) - Continued

Agriculture (No. C 08-3884 MHP), the State successfully challenged the U.S. Forest Service's refusal to coordinate four federal forest management plan revisions with the State. The Federal Court ruled in the state's favor and required the Federal Agency to begin the NEPA process over, this time in coordination with the State.

It is our hope that the HSRA can avoid this mistake and will instead work with our District to resolve the conflicts with the project and our plans and policies prior to the draft EIS's official public release. To date, the HSRA has not engaged the District on a level or in a manner that would address any of the concerns, conflicts, economic or technical analyses, or any appropriate alternatives as required under NEPA and its regulations.

As former Administrator Jennifer L. Dorn, during a 2004 Budget Hearing for the Federal Transit Administration, summarized the need to coordinate like this: "There is nothing more important to good transit investments than to have a good plan, to have that *coordinated at the local level*, and to be able to provide transportation for more services and more riders."

The District welcomes a meeting with you to begin this deliberative process and apprise you of the conflicts that must be taken into account by your agency. Please let us know which of the meeting dates suggested earlier in this letter will work best for you by September 5, 2011. If those dates are not convenient for you and your staff, please call me at 209-389-4707 to arrange a convenient meeting date. The District Office located at 3708 South Plainsburg Road, Merced, California, 95341 will be available for these meetings.

I can also be reached in the following manner:

Email: Kkingston@plainsburg.k12.ca.us
Fax: 209-389-4817
Address: 3708 South Plainsburg Road, Merced California 95341

We look forward to meeting with you and your staff to begin coordinating on this project.

Sincerely,



Kristi Kingston
Superintendent

cc Federal Railroad Administration
Department of Transportation, Secretary
U.S. Congressman Dennis Cardoza, District 18
Assembly Member Cathleen Galgiani, District 17
Senator Anthony Cannella, District 12
Kings County Commissioners Court

**PLAINSBURG UNION ELEMENTARY SCHOOL DISTRICT
RESOLUTION NO. 072611/3.0**

RESOLUTION FOR COORDINATION WITH THE CALIFORNIA HIGH SPEED RAIL

WHEREAS, the Board of Trustees for the Plainsburg Union School District is a unit of local government under the Constitution and laws of the state of California, and

WHEREAS, the Board of Trustees of the Plainsburg Union School District are charged with administering, funding, and protecting the economic stability of the school district, and is further concerned with the detrimental effects of proposed High Speed Rail through our school district that will affect the public health, safety, and welfare of our community, and

WHEREAS, the Board of Trustees find that it is the best interests of the District to perform duties by asserting coordination with federal and state agencies mandated by federal and California law, and

WHEREAS, federal agencies are mandated to coordinate planning and management actions with local government by statutes including the Federal Lands Management and Policy Act, the Forest Management Act, the National Environmental Policy Act, the Clean Water Act, the Clean Air Act, the Endangered Species Act, the Homeland Security Act, and by regulations and rules implementing those statutes, and by Executive Orders of our President directing intergovernmental cooperation and coordination,

NOW, THEREFORE BE IT RESOLVED

the Plainsburg Union School District hereby affirms our legal standing as a unit of local government of California to formally assert its coordination authority with all federal and state agencies implementing policies and plans that affect and impact the residents, students, teachers, businesses, and industry within our jurisdiction, including the Federal Railroad Administration and the High Speed Rail Authority as their agent,

BE IT FURTHER RESOLVED

the Plainsburg Union School District hereby agrees to work together with the Le Grand Union High School District along with other agencies in a unified manner to protect our interest, students, and community from policies and plans being implemented by the High Speed Rail Authority,

Submission 284 (Kristi Kingston, Plainsburg Union Elementary School District, September 8, 2011) - Continued

BE IT FURTHER RESOLVED

that the Secretary of the District shall cause a copy of this Resolution to be transmitted to the proper federal and state agencies and to all federal and state elected officials representing the residents and governments of Merced County,

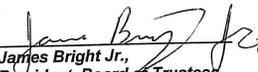
ADOPTED BY THE BOARD OF TRUSTEES OF THE PLAINSBURG UNION SCHOOL DISTRICT ON THIS DAY OF JULY 26, 2011.

Ayes 5

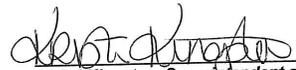
Noes 0

Abstain 0

Absent 0


James Bright Jr.,
President, Board of Trustees
Plainsburg Union School District

I, Kristi Kingston, the Superintendent and Secretary to the Board of Trustees of the Plainsburg Union School District, do hereby certify that the foregoing Resolution was regularly introduced, passed, and adopted by the Board of Trustees at its meeting on July 26, 2011.


Kristi Kingston, Superintendent and
Secretary of the Board of Trustees
Plainsburg Union School District

Response to Submission 284 (Kristi Kingston, Plainsburg Union Elementary School District, September 8, 2011)

284-1

The Authority met with Plainsburg Union Elementary School District on February 22, 2012 and March 28, 2012.

The Authority has taken the issues raised by the District into consideration in its continued refinement of the project design. However, the Authority and FRA are responsible for weighing these considerations in the context of both the project purpose and need and project environmental impacts when making its decision on the project. That decision may or may not resolve all of the issues raised by the District in the manner in which the District would prefer. To the extent that it does not, it does not indicate that the Authority and FRA did not coordinate with the District, but rather that they were unable to resolve the issues while balancing other project concerns.

A summary of concerns raised by school districts and information from the Final EIR/EIS chapters, technical reports, and other supplemental information that address the above issues and concerns is included in Appendix 3.12-D, Summary of Issues/Concerns Affecting Schools. Also see MF-Response-SOCIAL-5.

284-2

See MF-Response-SOCIAL-5.

Submission 698 (Rene Perez, Planada Community Services District Board of Directors, October 13, 2011)

Merced - Fresno - RECORD #698 DETAIL

Status : Action Pending
Record Date : 10/14/2011
Response Requested :
Stakeholder Type : Government
Submission Date : 10/13/2011
Submission Method : Project Email
First Name : Rene
Last Name : Perez
Professional Title : President
Business/Organization : Planada Community Services District Board of Directors
Address : 103 Live Oak Street
Apt./Suite No. :
City : Planada
State : CA
Zip Code : 95365
Telephone : (209) 382-0213
Email : laura.saldana@planadacsd.com
Cell Phone :
Email Subscription : Merced - Fresno
Add to Mailing List : Yes
Stakeholder Comments/Issues :

From: Laura Saldana [mailto:laura.saldana@planadacsd.com]
Sent: Thursday, October 13, 2011 4:30 PM
To: 'MercedFresno@hsr.ca.gov'
Subject: Draft EIR/EIS Comment

EIR/EIS Comment : Yes
Attachments : hppscan5.pdf (3 mb)



Planada Community Services District

103 Live Oak St. • P.O. Box 905
Planada, Ca. 95365
(209) 382-0213 Fax # (209) 382-0214

October 13, 2011

California High-Speed Rail Authority
Merced to Fresno Draft EIR / EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

Submitted via Email and by U.S. Postal Service

RE: California High Speed Train - Merced to Fresno Section Draft EIR / EIS Comments

Dear California High-Speed Rail Authority Board Members:

The Planada Community Services District (District) has reviewed the Draft Environmental Impact Report / Environmental Impact Study (Draft EIR / EIS) for the California High Speed Train- Merced to Fresno Section Project (herein referenced as the HST Project). The District is concerned with the California High Speed Rail Authority's (HSRA) and Federal Railroad Administration's proposed BNSF Merced Connection Alternative - Mission Way Design Option. Based on detailed plan and profile sheets provide in Volume III - Alignments and Other Plans of the HST Project Draft EIR /EIS, the Mission Way Design Option alignment would traverse the District's Wastewater Treatment Plant Improvement Project (herein referenced as the District Project) site south of Owens Creek.

The District provides sewer and water services for the unincorporated community of Planada in southeast Merced County. The District's service area covers approximately 1.5 square miles and includes the community of Planada as well as land outside the community of Planada. The District is responsible for providing current as well as project water and sewer service needs within its service area. The Community of Planada is a low-income, minority agricultural based community. The State of California Water Resources Control Board has designated Planada as a "small community with a financial hardship".¹

¹ A small community with a financial hardship is defined as a municipality with a population of less than 10,000 with a median household income of less than 80 percent of the State of California's median household income. Planada's financial situation is much worse. For example, the most recent data available indicates that Planada has an unemployment rate of approximately 40% and a median household income of only \$24,286.

Submission 698 (Rene Perez, Planada Community Services District Board of Directors, October 13, 2011) - Continued

California High Speed Rail Authority
October 13, 2011
California High Speed Train – Merced to Fresno Section
Draft EIR / EIS Comments
Page 2 of 5

The District owns and operates a wastewater treatment plant (WWTP) located approximately one-half mile southwest of the community of Planada. The WWTP is located south of East Toews Avenue, roughly equal distance between two north-south trending roads – Plainsburg Road to the east and Whealan Road to the west. The District is under order by the State of California’s Central Valley Regional Water Quality Control Board (Central Valley Water Board) to improve the quality of treated effluent discharged from its WWTP or provide an alternative method of effluent disposal. The District is also required to comply with a Time Schedule Order issued by the Central Valley Water Board to improve the quality of treated effluent discharged or implement an alternative method of effluent disposal by November 2013.

In response to the Central Valley Water Board orders, the District has been working with the Central Valley Water Board and the California State Water Resources Control Board (State Water Board) since 2004 to improve its wastewater treatment process to comply with state and federal regulations. As result of these efforts, the District is proposing to upgrade its existing WWTP and change the method of wastewater treatment and disposal to comply with the Central Valley Water Board’s requirements. The District has filed a “Petition of Change” with the State Water Board to discontinue its surface water discharge and instead direct its wastewater discharge to land disposal – undisinfecting secondary treated effluent (reclamation water) to be stored in ponds during the winter months and used for agricultural irrigation during the spring and summer months. The District’s proposed WWTP improvements would be constructed within the boundaries of its existing WWTP and on 13.6± acres south and adjacent to the existing WWTP. The District is also proposing to acquire 164± acres of property for the purpose of wastewater reclamation. The 164± acres include properties to the north and south of Owens Creek between Plainsburg and Whealan Roads, including the possibility of extending as far south as Kadota Avenue (refer to attached Project Location exhibit). At this time, the District has secured an agreement to purchase land north of Owens Creek and is presently negotiating an agreement to purchase land south of Owens Creek to support the Phase 1 District Project’s wastewater reclamation needs.

The District’s Project has been subject to several planning, fiscal and environmental studies since 2004. The District first released an Initial Study on the Project in April 2006. Since then, the Project has been revised and subject to additional fiscal and environmental studies. A Draft EIR on the Project revisions was released for public review and comment on September 19, 2011. The District’s Project has and continues to be tracked under California’s Office of Planning and Research, State Clearinghouse (SCH) environmental reporting identification number – SCH No. 21006041048. The District is the lead agency for the Project under CEQA and the United States Department of Agriculture – Rural Development is the lead agency for the Project under NEPA.

698-1 | The HST Project Draft EIR / EIS does not acknowledge or reference the District’s Project or analyze the potential impacts the HST Project may have on the District, the District’s Project or on the community the District serves. The District’s Project is not listed in Technical Appendix 3.19.A (Planned and Potential Projects and Plans) of the HST Project Draft EIR / EIS. In order to adequately assess any potential HST Project-related impacts on the District, the District’s Project or on the community it serves of Planada, additional detailed and focused analysis needs to be provided in the HST Project EIR / EIS. The Board of Directors of the District believes that the HST Project would

California High Speed Rail Authority
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California High Speed Train – Merced to Fresno Section
Draft EIR / EIS Comments
Page 3 of 5

698-1 | result in significant impacts, both physically and financially, to the District and to the District’s Project as well as a potential fiscal impact to the District’s ratepayers. The failure to recognize or analyze the HST Project impacts (physical and fiscal) on the District, the District’s Project, or on the community the District serves is a major inadequacy of the HST Project EIR / EIS.

The following comments, based on the information provided in the Draft EIR / EIS, clearly indicates that the HST Project Draft EIR / EIS did not address the impacts (quantitatively or qualitatively) the BNSF Merced Connection Alternative - Mission Way Design Option would or could potentially have on the District or on the District’s Project. In general, the HST Project Draft EIR / EIS lacks site-specific data typical of a “project-level” EIR that would be relevant and necessary to address potential site specific direct, indirect and / or cumulative impacts and, if necessary, identify meaningful and measurable mitigation measures.

698-2 | **Section 2 Alternatives**
The Draft EIR / EIS provides an inadequate Project description – the disclosure of the HTS Project setting is inadequate and incomplete. The Draft EIR / EIS description of the HTS Project setting is deficient as it fails to disclose the District and the community which it serves. Section 2 should include a sub-section that identifies and addresses special purpose districts such as the Planada Community Services that would or could be impacted by the HTS Project. This sub-section should list which alternatives would or could potentially affect the utility services provided by local governmental entities such as special purpose districts.

Section 3 Affected Environment, Environmental Consequences, and Mitigation Measures
As applicable, all sub-sections of Section 3 need to analyze the potential impacts the HST Project would have on the District, the District’s Project and on the community of Planada.

698-3 | **Section 3.2 Transportation**
The HST Project BNSF Merced Connection Alternative - Mission Way Design Option proposes to close Whealan Road as a through road at the HST corridor south of Owens Creek. The closure of Whealan Road coupled with the HST Project Mission Way Design Option corridor would have a negative impact on the district’s ability to operate and maintain the District’s Project in that there would be no direct access to the reclamation areas between Owens Creek and the HST Mission Way Design Option corridor and to the reclamation areas south of the HST from the District’s wastewater treatment plant. The District would be required to use an alternate route to operate and maintain the reclamation area south of the HST Mission Way Design Option corridor. This section of your environmental document needs to address how these impacts will be mitigated.

698-4 | **Section 3.6 Public Utilities and Energy**
Section 3.6.4.1 Public Utilities, which identifies affected public utilities affected by the HST Project, fails to identify and address the Planada Community Services District. This section should include the discussion of the District’s current conditions as well as the District’s Project that is now undergoing review, and that the District’s Project is within the path of the HST Project BNSF Merced Connection Alternative - Mission Way Design Option. Sections 3.6.5.1 and 3.6.5.2 need to identify and address the physical and fiscal impacts the HST Project BNSF Merced Connection Alternative - Mission Way

Submission 698 (Rene Perez, Planada Community Services District Board of Directors, October 13, 2011) - Continued

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698-4 Design Option will have on the District as well as on the District's Project and how these impacts will be mitigated.

698-5 **Section 3.8 Hydrology and Water Resources**
The HTS EIR / EIS needs to identify site-specific flood impacts as well as address the effects of constructing a HTS Project within identified floodplains and how these impacts would be mitigated. Clearly, the HTS Project would significantly alter the existing floodplain conditions in the vicinity of the District's WWTP. The construction of an elevated rail bed would impede the movement floodwater and likely increase the depth floodwaters. The HTS EIR / EIS only superficially addresses the potential permanent impacts on floodplains resulting from HTS Project and suggests that "hydrologic modeling would be necessary to demonstrate that proposed mitigation measures,... would maintain existing channel capacity." However, no mitigation measures with respect to flood impacts are presented in this section. Rather this section concludes on page 3.8-35 that floodplain "impacts would be negligible under NEPA and less than significant under CEQA."

Executive Order 11988, "Floodplain Management" guidelines require federal agencies apply the 0.2 percent or 500-year flood occurrence standard to the location of critical facilities. Critical facilities include wastewater treatment facilities. The District's Project is a federally funded project and thus subject to this criteria. The HTS EIR / EIS needs to address, quantify flood depth resulting from the HTS Project and mitigate potential direct and indirect flood impacts to the District's existing and planned WWTP improvements pursuant to 500-year flood occurrence standards.

The area between Owens Creek / Dibblee Lateral and Duck Creek is within the California Department of Water Resources Central Valley Flood Protection Board's adopted "Plan of Flood Control" and falls within a designated San Joaquin River Basin Levee Flood Protection Zone. The designated zone is protected by a state –federal project levee. The HTS EIR / EIS needs to quantify the impacts of constructing the HST Project BNSF Merced Connection Alternative - Mission Way Design Option within this designated flood protection zone and what, if any direct and indirect impacts there will be on the District's Project from constructing the HTS Project within this zone.

698-6 **Section 3.12 Socioeconomic, Communities, and Environmental Justice**
Section 15131(b) of the CEQA Guidelines states "economic or social effects of a project may be used to determine the significance of physical changes caused by the project." The District is responsible for providing water and wastewater services to a low-income, minority community. In the case of HSRA's BNSF Merced Connection Alternative - Mission Way Design Option, the economic effects on the District and ultimately, the District's ratepayers would be significant. Therefore, Section 3.12 of the HTS Project EIR / EIS needs to identify and address the potential socioeconomic impacts the BNSF Merced Connection Alternative - Mission Way Design Option would have on the District and the community of Planada. The Community Impact Assessment prepared in support of the HTS Project EIR / EIS also lacks any information or discussion regarding the implications of the HTS Project BNSF Merced Connection Alternative - Mission Way Design Option would have on the District or on the Community of Planada for which the District serves.

698-6 Implementation of the BNSF Merced Connection Alternative - Mission Way Design Option could potentially preclude the District from moving forward with applying undisinfected secondary treated effluent onto agricultural land in the vicinity of their WWTP. Such a move would significantly increase the District's Project capital costs as well as operational and maintenance costs. If the District is unable to apply undisinfected secondary treated effluent onto agricultural land in the vicinity of their WWTP, the District would incur an additional cost of \$1.8 to \$7.8 million to construct a wastewater treatment and disposal system that would comply with state and federal regulations. The District's annual operational and maintenance costs would increase approximately \$225,000. This would necessitate such a significant increase in the rate the District would have to charge its customers so as to make the utility service unaffordable.

698-7 **Section 3.14 Agricultural Lands**
The HTS EIR / EIS needs to identify, address and mitigate the effects of wind from a passing train will have on the District's application of undisinfected secondary recycled water on agricultural land. Title 22, California Code of Regulations regulates the use and application of undisinfected secondary recycled water treated effluent. In particular, undisinfected secondary recycled water is not permitted to be airborne - "spray, mist or runoff not enter dwellings, designated outdoor eating areas..." Furthermore, undisinfected secondary recycled water may not come into contact with the edible portion of a crop or into contact with fodder and fiber crops and pastures for animals producing milk for human consumption. Trains traveling 220 miles / hour would cause recycled water applied to agricultural fields via flood irrigation in the vicinity of the HST Project BNSF Merced Connection Alternative - Mission Way Design Option corridor to become airborne (e.g., spray, mist particles) that could ultimately enter dwellings. Airborne water spray or mist would also come into contact with edible crops or fodder and fiber crops that are grown in the vicinity of the District's Project site and the HST Project BNSF Merced Connection Alternative - Mission Way Design Option corridor.

The HTS Project BNSF Merced Connection Alternative - Mission Way Design Option would also result in a parcel severance that would affect the operational and maintenance that would be required of the District Project's wastewater agricultural reclamation areas. The parcel severance would result in an economic hardship on otherwise viable reclamation site. The HTS EIR / EIS needs to address, quantify and mitigate direct and indirect parcel severance impacts to the District from constructing the HST Project BNSF Merced Connection Alternative - Mission Way Design Option

Conclusion
The HTS Project BNSF Merced Connection Alternative - Mission Way Design Option described in the HTS EIR / EIS may result in significant impacts to the District. For the reasons enumerated above, the HTS EIR / EIS is inadequate. We urge the HSRA and Federal Railroad Administration to correct these deficiencies and to ensure that the HTS Project BNSF Merced Connection Alternative - Mission Way Design Option impacts are fully disclosed, analyzed and mitigated before the HTS Project EIR / EIS is allowed to proceed to the Final EIR / EIS stage. Pending HSRA and Federal Railroad Administration's identification and analysis of the potential impacts and mitigation measures warranted to avoid or reduce potential impacts to District, we may have additional comments and recommendations regarding the avoidance, minimization, and mitigation of HTS Project BNSF Merced Connection Alternative - Mission Way Design Option impacts may have on the District.

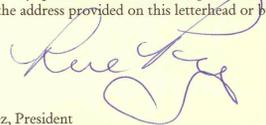
Submission 698 (Rene Perez, Planada Community Services District Board of Directors, October 13, 2011) - Continued

California High Speed Rail Authority
October 13, 2011
California High Speed Train – Merced to Fresno Section
Draft EIR / EIS Comments
Page 6 of 5

The District thanks the HSRA and the Federal Railroad Administration for the opportunity to provide comments on the Draft EIR / EIS and reserves the right to submit any additional comments during the process and review of HTS Project by the HSRA and the Federal Railroad Administration.

If you have any questions on these issues, please contact the District Office Manager, Ms. Martha Mayo, at the address provided on this letterhead or by telephone at (209) 382-0213.

Sincerely,



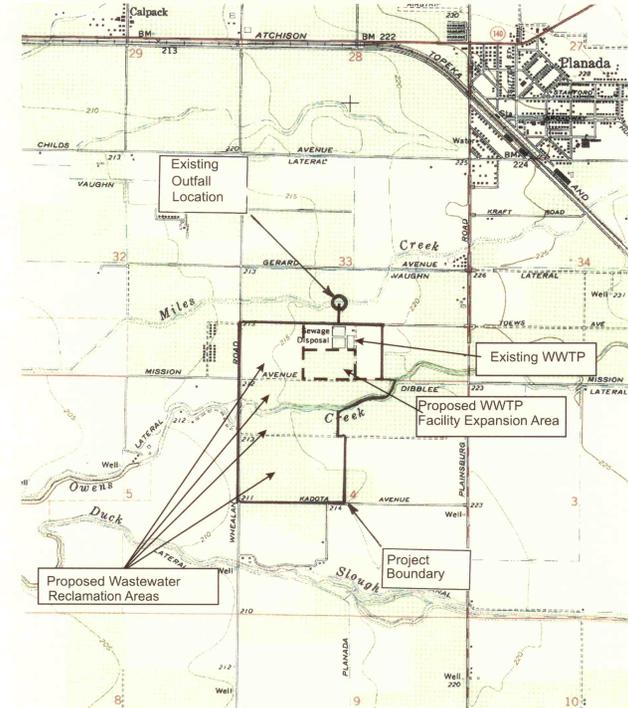
Rene Perez, President
Planada Community Services District Board of Directors

Encl.

- cc: Planada Community Services District Board of Directors
- Ms. Martha Mayo, Planada Community Services District
- Mr. Stan Rodriguez, Planada Community Services District
- Mr. Thomas Keene, Linnerman, Burgess, Telles, Van Atta, Vierra, Rathmann, Whitehurst &

Keene

- Mr. Jose Guardado, United States Department of Agriculture – Rural Development
- Mr. Lee Fremming, Fremming Parsons and Pecchenino, Inc.
- Mr. Gary Conte, Valley Planning Consultants, Inc.
- Mr. Alfonso Manrique, AM Consulting Engineers
- Mr. Paul Boyer, Self-Help Enterprises



Scale: 1 inch = 2,000 feet
Source: USGS 7.5 Minute Topographic Map, Planada Quadrangle, California

Planada Community Services District Wastewater Treatment Plant Improvement Project

Response to Submission 698 (Rene Perez, Planada Community Services District Board of Directors, October 13, 2011)

698-1

See MF-Response-GENERAL-1. The Planada Wastewater Treatment Plant Improvement Project has been added to the cumulative impacts analysis as requested.

698-2

Chapter 2 does not provide a general project setting. Rather, the resource sections in Chapter 3, Affected Environment and Environmental Consequences, provide this information as it pertains to each resource. Location descriptions in Chapter 2 are specific to each alternative. No alternative travels through Planada, and therefore, it is not discussed[CSVN1]. Impacts are disclosed by location in the EIR/EIS, as pertinent. Regional impacts that could affect Planada, such as transportation, growth and air quality, are discussed in regional terms in their respective sections of Chapter 3. Special district boundaries are not determinants of environmental impacts, therefore, the boundaries themselves they need not be disclosed in order to adequately disclose the project's potential impacts.

[CSVN1]Where any impacts to Planada considered? If so, it is appropriate to state that here as a showing that the document considered the potential impacts to the community.

698-3

See MF-Response-TRAFFIC-2. The District would still have access so there is no environmental impact.

Current design assumes removed north/south travel along Whealan Road to be relocated to nearby Plainsburg Road via E. Toews Ave and/or E. Kadota Ave. However, further study and consideration of incorporating grade separation along Whealan Road will take place at 30% design.

698-4

Section 3.6 Public Utilities and Energy focuses analysis on utility providers that serve the study area, and the Planada Community Services District is not known to serve the areas impacted. For this reason, a description of the Planada Community Services District is not included in Section 3.6.

698-4

The Planada Community Services District published a DEIR in September 2011 on the proposed expansion of their Waste Water Treatment Plant (WWTP) that includes acquiring land to use for effluent disposal. The expansion is scheduled to be completed by 2013. The BNSF Mission Way Alternative would transect the "Proposed Phase 1 Reclamation Area" at approximately the southern study boundary. However, the EIR analyzes a potential effluent area roughly twice the acreage of the project's effluent disposal requirements, permitting design flexibility.

Potential conflicts with the proposed expansion of the wastewater treatment plant have been added to the discussion in Section 3.19 Cumulative Impacts. As necessary, the Authority will consult with the district and develop design modifications to the HST or changes to the proposed effluent disposal area, or both, to accommodate both projects. Note, however, that the preferred alignment is the Hybrid Alternative, which would avoid impacts to the district's proposed water treatment facilities, as mentioned in MF-Response-GENERAL-8.

698-5

See MF-Response-WATER-3. Site specific drainage design has not been completed at this stage, however, the project design will be designed to avoid not adversely affecting adjacent and downstream properties. The EIR/EIS contains a description of a Project Design feature that is specifically focused on flood protection. Please see Section 3.8.6 for further detail. In addition, it will be constructed in accordance with all state and local regulations in regard to the floodplain.

Note that the proposed use of treated effluent from the upgraded Planada WWTP is now discussed in the analysis of cumulative effects in Section 3.19.2.3.

698-6

See MF-Response-SOCIAL-7, MF-Response-PUE-5, MF-Response-GENERAL-8 and MF-Response-GENERAL-1.

698-7

As discussed in MF-Response-AGRICULTURE-5, the HST will generate minimal wind effects beyond the right-of-way area. All liquid waste disposal ponds will be outside the HST right-of-way. Therefore, train passage will not cause liquid effluent to enter the air or take an aerosol form. See MF-Response-AGRICULTURE-4.

Submission 587 (David Warner, San Joaquin Valley Air Pollution Control District, October 12, 2011)



District CEQA Reference No: 20110301

Page 2 of 5

October 12, 2011

California High-Speed Rail Authority
Merced to Fresno Draft EIR/EIS Comments
770 L Street, Suite 800
Sacramento, CA 95814

**Project: California High-Speed Train
Merced to Fresno Section
Draft Environmental Impact Statement**

District CEQA Reference No: 20110301

587-1

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Impact Statement (DEIS) for the project referenced above consisting of the Merced to Fresno Section of the proposed California High-Speed Train (HST) system, and commends the Authority on a high-quality assessment of potential environmental risks of the California HST project. The District is supportive of a California HST system that is based on thoughtful design and implementation aimed at offering low emissions commute and travel options to the residents of the San Joaquin Valley. The potential for the HST system to reduce emissions from motor vehicle traffic in the Valley may be significant. The District does offer the following comments to further improve and complete the DEIS:

General Comments

The San Joaquin Valley Air Pollution Control District is responsible for air quality in eight counties in California's Central Valley: San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and the San Joaquin Valley Air Basin portion of Kern. Air quality in the San Joaquin Valley (SVJ) has steadily improved over the past 15 years and continues to do so through the District's adoption of new Rules, State Implementation Plans, and the support and participation of stakeholders, businesses, and the public. The subject project and its companion project, the Fresno to Bakersfield Section, have the potential to impact air quality in all eight counties.

Air pollution sources can be divided into two general categories, stationary sources and mobile sources. The District has achieved maximum cost-effective emission reductions from stationary sources and as a result mobile sources now produce about 80% of the Valley's smog-forming emissions. Thus, achieving significant reductions in mobile source emissions within the SVJ is critical to District achieving attainment of state and federal air standards. If properly implemented, the HST could be a key component of the District's efforts to reduce the air quality impacts caused by vehicle miles traveled within the SVJ.

Based on staff's review of the Environmental Impact Statement (EIS), the District believes that the environmental document likely understates construction-related impacts on air quality within the SVJ and has not discussed all feasible mitigation measures for those impacts. However, we have significant experience in administering effective and feasible off-site mitigation programs that significantly or completely mitigate air pollution emissions from large projects, and we are offering to provide our expertise and assistance in this area.

Construction Related Impacts on Air Quality

As discussed below, construction related exhaust emissions are potentially understated:

- a) Tier 4 construction equipment: The analysis of construction equipment exhaust emissions assumes that all construction equipment will meet Tier 4 emissions standards. This assumption is inconsistent with the proposed mitigation measure which allows the use of Tier 3 engines if the contractor has documented that Tier 4 equipment or emissions retrofit is not available.

Based on the District's experience in providing funding to replace older, more polluting, off-road equipment, Tier 4 equipment is not widely available and retrofitting older equipment to achieve Tier 4 emissions standards is frequently not feasible. During the early consultation phase of developing the environmental document, the District expressed concerns about this assumption. The District recommended that if the assessment was not revised, the document should be amended to include an enforceable mitigation measure ensuring that, on a fleet-wide basis, equipment used would meet Tier 4 emissions standards. The proposed mitigation measure fails to meet that objective.

The District again recommends that the analysis be revised to reflect a realistic fleet-wide emissions target. The District further recommends that mitigation measures be revised to include enforceable conditions, ensuring construction exhaust emissions will be reduced or mitigated to the extent feasible. One approach is to require off-site mitigation of project emissions through a Voluntary Emissions Reduction Agreement, which is explained in more detail in the mitigation section below.

- b) Emissions Model: Construction emissions may be further understated because construction emissions were quantified using URBEMIS. During the early

Seyed Sadredin
Executive Director/Air Pollution Control Officer

<p>Northern Region 4800 Enterprise Way Modesto, CA 95356-8718 Tel: (209) 557-8400 FAX: (209) 557-8475</p>	<p>Central Region (Main Office) 1590 E. Gettysburg Avenue Fresno, CA 93726-0244 Tel: (559) 230-6000 FAX: (559) 230-6081</p>	<p>Southern Region 34946 Flyover Court Bakersfield, CA 93308-9725 Tel: 661-392-5500 FAX: 661-392-5585</p>
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Submission 587 (David Warner, San Joaquin Valley Air Pollution Control District, October 12, 2011) - Continued

District CEQA Reference No: 20110301

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587-1

consultation phase, the District had advised that URBEMIS was not the most appropriate model to use for this complex construction project. In brief, URBEMIS was developed for estimating emissions from typical residential and commercial development projects. Construction of railways to support a high speed train involves activities that are not intrinsic to URBEMIS. Furthermore, URBEMIS has been demonstrated to produce lower estimates of construction exhaust emissions, as compared to a more recently developed model, the California Air Pollution Control Officers' Association's "California Emissions Estimation Model" (CalEEMod). However, like URBEMIS, CalEEMod is designed to model emissions from residential and commercial developments, not large scale linear construction projects like railroads. The District recommends that the rail construction analysis be conducted using a more suitable model. The District suggests the Sacramento Metropolitan Air Quality Management District's "Construction Mitigation Calculator," which incorporates the latest heavy duty equipment emissions factors approved by the California Air Resources Board, and should more accurately characterize emissions from the construction of a railway.

Heavy Maintenance Facility – Health Risk Assessment:

The District's review of the health risk assessment (HRA) for the Heavy Maintenance Facility (HMF) concludes that the scenario that was modeled may not adequately correspond to actual conditions of the eventual location in terms of critical HRA parameters, such as prevailing winds and locations of sensitive receptors. As a result, the HRA may over-state, or under-state, the associated risk. Because specific site conditions are currently unknown, the District recommends that an enforceable mitigation measure be made a condition of project approval that would require a site-specific health risk assessment to be performed prior to actual site selection and that all air related health impacts be reduced or mitigated to below the District's thresholds of significance.

Stationary sources at the HMF will be subject to District air permits. As such, the District will be a responsible agency for the project. To ensure that the health risk assessment is adequate for District permitting and approval processes, the District recommends that the project proponent contact the District to review the proposed modeling methodology prior to preparing the final HRA modeling.

Mitigation of Project Related Impacts on Air Quality:

Based on the existing air impact assessment, mitigated construction related emissions of NOx, VOC, and PM10 combined over the eight year construction period, were estimated as follows:

	Annual Average	Total project
Merced to Fresno:	230 tons/year	1,900 tons
Fresno to Bakersfield:	670 tons/year	5,400 tons
Total:	900 tons/year	7,300 tons

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These emissions exceed the District's thresholds of significance of 10 tons NOx per year, 10 tons VOC per year, and 15 tons PM10 per year. For significant environmental impacts, the California Environmental Quality Act (CEQA) requires lead agencies to implement all feasible mitigation measures.

As discussed above, the DEIS' proposed mitigation measures are not sufficiently enforceable to ensure that project related impacts on air quality will be reduced consistent with projected impacts. More importantly, the document concludes that, even with all feasible mitigation, the project will continue to have significant impacts. The District disagrees with the conclusion that all feasible mitigations have been explored. Specifically, the DEIS fails to discuss off-site mitigation measures such as Voluntary Emission Reduction Agreements (VERAs) as a means of mitigating project specific impacts on air quality to a less-than-significant level.

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort.

To implement a VERA, the project proponent and the District enter into a contractual agreement in which the developer agrees to mitigate the project's emissions by providing funds for the District's Emission Reduction Incentive Program to fund grants for projects that achieve emission reductions, thus offsetting project related impacts on air quality. The types of projects that have been used in the past to achieve such reductions include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old trucks with new, cleaner, more efficient trucks, and a host of other emissions-reducing projects.

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. The initial agreement is generally based on the projected maximum emissions increases as calculated by a District-approved "Air Quality Impact Assessment," and contains the corresponding maximum fiscal obligation. However, because the goal is to mitigate actual emissions, the District has designed adequate flexibility into these agreements such that the final mitigation is based actual emissions related to the project, based on actual equipment used, hours of operation, etc. After the project is mitigated, the District certifies to the lead agency that the mitigation is completed, providing the lead agency with an enforceable mitigation measure demonstrating that there is no significant air quality impact from the project.

Since 2005, the District has entered into seventeen VERAs with project developers and achieved 1,393 tons of NOx and PM10 reductions per year. It is the District's experience that implementation of a VERA is a feasible mitigation measure which effectively achieves actual emission reductions, potentially mitigating the project to a

Submission 587 (David Warner, San Joaquin Valley Air Pollution Control District, October 12, 2011) - Continued

District CEQA Reference No: 20110301

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net-zero air quality impact. Because the DEIS failed to discuss this feasible mitigation measure, the document fails to meet the CEQA requirement of discussion and implementation of all feasible mitigation measures, so we strongly recommend that a discussion of VERAs be included in the final EIS.

In conclusion, the District recommends that the California High-Speed Rail Authority contact the District and work collaboratively to reduce and mitigate project specific impacts on air quality to a less-than-significant level by developing a VERA as discussed above. If you have any questions or require further information, please contact me or Arnaud Marjollet, Permit Services Manager at (559) 230-6000.

Sincerely,


for David Warner
Director of Permit Services

DW: db

Response to Submission 587 (David Warner, San Joaquin Valley Air Pollution Control District, October 12, 2011)

587-1

The comments raised by San Joaquin Valley Air Pollution Control District have been addressed directly with the district through a series of conference calls and e-mails, and the submission of calculations and spreadsheets. Construction-phase emission estimates calculated using the URBEMIS model using inputs specific to the project area and agreed upon emission factors and adjustments.

Qualitative discussion of health impacts during project alignment construction were provided in Section 3.3.5.3 of the EIR/EIS. The cancer and non-cancer chronic and acute hazard risk analyses conducted for the Draft EIS was based on conservative estimates of equipment operations and locations, and the locations of nearby sensitive land uses. Once a final HMF site is selected and designed, analyses will be conducted using projected equipment usage, the locations of the major emission sources (based on plant layout that will be developed), and the locations of nearby sensitive land uses (e.g., residences). Mitigation measures, if necessary, would be included to ensure that EPA's significant impacts thresholds are not exceeded at the sensitive land uses.

See MF-Response-AQ-7.

Submission 553 (Raul Mendez, Stanislaus County Environmental Review Committee, September 21, 2011)



09-21-11P04:27 RCVD

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STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

September 19, 2011

Rachel Wall
CA High Speed Rail Authority
770 L Street, Suite 800
Sacramento, CA 95814

SUBJECT: ENVIRONMENTAL REFERRAL – CA High Speed Rail Authority
– Draft Environmental impact Report /Statements for Central
Valley Sections Available

Ms. Wall:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has no comments at this time.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

Raul Mendez, Senior Management Consultant
Environmental Review Committee

cc: ERC Members

RM:kg

553-1

Response to Submission 553 (Raul Mendez, Stanislaus County Environmental Review Committee,
September 21, 2011)

553-1

Thank you for your review of the Draft EIR/EIS.